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PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE INSTITUTE OF INFRASTRUCTURE, TECHNOLOGY, RESEARCH AND MANAGEMENT BILL, 2012.

GUJARAT BILL NO. 1 OF 2012.

A BILL

to provide for the establishment of the University to be known as the Institute of Infrastructure, Technology, Research And Management to facilitate and promote studies, research, technology incubation, product innovation and extension work in the field of infrastructure science, technology and management education and also to achieve excellence in higher technical education and other matters connected therewith or incidental thereto.

It is hereby enacted in the Sixty-third Year of the Republic of India as follows :-

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Institute of Infrastructure, Technology, Research And Management Act, 2012.

Short title and
commencement.

(2) This section shall come into force at once and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

V- Ex. 1

Definitions. 2. In this Act, unless the context otherwise requires,-

- (i) "Academic Council" means the Academic Council of the University constituted under section 15;
- (ii) "Board" means the Board of Governors of the University constituted under section 12;
- (iii) "Chairman" means the Chairman of the University appointed under section 10;
- (iv) "Dean" means the Deans of the faculties of the University appointed under section 24;
- (v) "Director" means the Directors of the University Schools appointed under section 23;
- (vi) "Director General" means the Director General of the University appointed under section 19;
- (vii) "Finance Committee" means the Finance Committee of the University constituted under section 17;
- (viii) "prescribed" means prescribed by regulations;
- (ix) "Registrar" means Registrar of the University appointed under section 22;
- (x) "Regulations" means regulations of University made under section 36;
- (xi) "State Government" means Government of Gujarat;
- (xii) "University" means the Institute of Infrastructure, Technology, Research And Management established and incorporated under section 3;
- (xiii) "University School" means any school or centre established and maintained by the University for research, studies, etc.

CHAPTER II UNIVERSITY

Establishment and incorporation of University. 3. (1) There shall be established a University by the name of the "Institute of Infrastructure, Technology, Research And Management (IITRAM)".

(2) The Chairman, the Board, the Academic Council, the Finance Committee, the Director General, the Directors, the Deans, the Registrar

and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constitute a body corporate by the name of the "Institute of Infrastructure, Technology, Research And Management (IITRAM)".

(3) The University shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power subject to the provisions of this Act to acquire and hold property, to contract and shall, by the said name, sue and be sued.

(4) The University shall function as a non-affiliating University and it shall not affiliate any other college or institute for the conferment of degree, diploma, certificate, other academic distinctions and titles to the students admitted therein.

4. The headquarters of the University shall be at Ahmedabad.

**Headquarters
of University.**

5. The objects of the University shall be as follows, namely:-

**Objects of
University.**

- (i) to provide a system of technical education capable of responding to the changing requirements of technical manpower;
- (ii) to bring about qualitative improvement in teaching and learning process;
- (iii) to inculcate the practice of creating instructional experiences which make the acquisition of knowledge and skill more efficient and effective;
- (iv) to facilitate and promote studies leading to award of degrees, diplomas and certificates;
- (v) to organize advanced studies and promote research, with a focus on basic and applied sciences, engineering, technology and management;
- (vi) to achieve excellence in science, engineering, technology, management and allied areas and matters connected therewith or incidental thereto;
- (vii) to provide necessary help to encourage entrepreneurship amongst students;
- (viii) to maintain live contact with alumni and develop alumni sponsored programmes;
- (ix) to promote research, teaching methodology, application of scientific knowledge in the field of infrastructure;
- (x) to help foster bond between research and academic institutions and infrastructural development agencies for better planning, management, execution, maintenance and standards of infrastructure.

6. Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely: -

**Powers and
functions of
University.**

- (1) to provide for instruction and research in such branches of engineering and technology, management, sciences and arts, as the University may think fit, and for the advancement of learning and dissemination of knowledge in such branches;
- (2) to admit the students for the courses offered by the University in the prescribed manner;
- (3) to hold examinations and grant degrees, diplomas, certificates or other academic distinctions or titles subject to such conditions as the University may determine;
- (4) to confer honorary degrees or other academic distinctions in the prescribed manner;
- (5) to withdraw degrees, diplomas, certificates and other academic distinctions for good and sufficient reasons;
- (6) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (7) to sponsor and undertake research in all aspects of science, technology, management and arts in relation to the domains of infrastructure development, management and allied areas; and to offer executive developmental programmes;
- (8) to develop and maintain linkages with educational or other institutions in any part of the world having objects wholly or partly similar to those of the University, through exchange of teachers, students and scholars and generally in such manner as may be conducive to their common objects;
- (9) to develop and maintain relationships with teachers, researchers and experts in the domains of infrastructure development, technology, management and allied areas in any part of the world for achieving the objects of the University;
- (10) to fix, demand and receive fees and other charges as may be prescribed;
- (11) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the University and consistent with the object for which the University is established and to enter into any agreement with the Central Government, the State Government, the University Grants Commission or other authorities, bodies or any person for receiving any grants;
- (12) to regulate the expenditure, manage the finances and to maintain accounts of the University;
- (13) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques or other negotiable instruments;
- (14) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit with the prior approval of the State Government and to pay out of the funds of the University, all expenses incidental to the

- raising of money, to repay and redeem any money borrowed under intimation to the State Government;
- (15) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of the University;
 - (16) to purchase or to take on lease or accept as gift or otherwise, any land or building or works which may be necessary or convenient for the purpose of the University on such terms and conditions as it may think fit and to construct, alter and maintain any such buildings or works;
 - (17) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
 - (18) to frame regulations for the functioning of its authorities, officers and for proper discharge of its powers and functions;
 - (19) to supervise and control the residence and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;
 - (20) to regulate and enforce discipline amongst the officers and employees of the University and to provide for such disciplinary measures as may be prescribed;
 - (21) to establish, maintain and manage schools of studies, teaching departments, centres of studies and such other units for research and instruction as in the opinion of the University, necessary for the furtherance of its objects;
 - (22) to establish, maintain and manage halls and hostels for the residence of students and accommodation for faculty, officers and employees of the University and the guest house;
 - (23) to prescribe course of study and curricula and provide for flexibility in the education systems and delivery methodologies including electronic and distance learning;
 - (24) subject to the provisions of this Act and regulations, any officer or authority of the University may, by order delegate all or any of his or its powers (except the power to make regulations) to any other officer or authority under his or its control; and
 - (25) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

7. (1) No person shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion.

University open to all irrespective of sex, religion, class, creed or opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in

the University or to qualify for any degree, diploma, certificate or other academic distinction or title to enjoy or exercise any privilege of the University or any benefaction thereof.

CHAPTER III AUTHORITIES AND OFFICERS OF UNIVERSITY

- Authorities of University.** 8. The following shall be the authorities of the University, namely: -
- (i) the Board;
 - (ii) the Academic Council;
 - (iii) the Finance Committee; and
 - (iv) such other authorities as may be declared by regulations to be the authorities of the University.
- Officers of University.** 9. The following shall be the Officers of the University, namely:-
- (i) the Chairman;
 - (ii) the Director General;
 - (iii) the Directors;
 - (iv) the Deans;
 - (v) the Registrar; and
 - (vi) such other persons as may be declared by regulations to be the officers of the University.
- Chairman.** 10. (1) The Chairman of the University shall be appointed by the State Government, who shall,-
- (a) be an eminent educationalist or technologist or industrialist or administrator having vision for human resources development; and
 - (b) be associated with education, philanthropy, industrial or business development or administration in the State services, corporations or public bodies.
- (2) The Chairman shall hold office for a period of three years and shall be eligible for re-nomination.
- (3) The other terms and conditions of the Chairman shall be such as may be determined by the regulations.
- (4) Where a vacancy in the office of the Chairman occurs on account of death, resignation or otherwise, the State Government shall appoint as soon as possible, a suitable person to be the Chairman of the University in accordance with the provision of sub-section (1).
- (5) The Chairman may resign from his office by writing under his hand addressed to the State Government and such resignation shall take effect from the date of acceptance by the State Government.
- Powers of Chairman.** 11. (1) The Chairman shall preside over the meetings of the Board and at the convocation of the University.

(2) The Chairman shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act or regulations made thereunder.

(3) The Chairman shall have, subject to the provisions of this Act, power to cause an inspection or review, to be made by such person or persons as he may direct, of the University, its buildings, hostels, libraries, equipments and systems and processes and of any institution or center maintained by the University, and also of the examinations, teaching, research and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration, academic affairs and finances of the University.

12. (1) The Board of Governors of the University shall consist of following members, namely:- **Board of Governors.**

- (i) the Chairman;
- (ii) the Director General;
- (iii) the Secretary to the Government of Gujarat, Education Department, *ex-officio* or his representative;
- (iv) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his representative;
- (v) the Commissioner, Technical Education, Gujarat State, *ex-officio* or his representative;
- (vi) a Vice-Chancellor or *ex Vice-Chancellor* of the State or National University or a Director or equivalent of the Institute of national repute, to be nominated by the State Government;
- (vii) two expert academicians, to be nominated by the Board; and
- (viii) three experts representing other disciplines such as finance, legal, management, humanities or industries, to be nominated by the Board.

(2) The Registrar shall be the Secretary of the Board.

13. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, directions and the control of the affairs of the University and shall exercise all the powers of the University, and shall have the power to review the acts of the Academic Council, Finance Committee and other committees or authorities constituted by the University. **Powers and functions of Board.**

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the following powers and functions, namely:-

- (i) to take decisions on questions of policy relating to the administration and working of the University;
- (ii) to institute courses of study at the University;
- (iii) to lay down policies to be pursued by the University;
- (iv) to make regulations;

- (v) to consider and approve the annual report and the annual budget of the University for every financial year;
- (vi) to invest moneys and funds of the University and take decision on the recommendation of the Finance Committee;
- (vii) to create or abolish posts of teachers, officers and other employees of the University ;
- (viii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (ix) to appoint Director General;
- (x) to delegate any of its powers (except power to make regulations) to the Director General, Directors, Deans, Registrar or any other officer, employee or authority of the University or to a committee appointed by it; and
- (xi) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by or under this Act or the regulations, and all such other powers for achieving the objects of the University.

Term of office
and vacancies
amongst
members of
Board and
allowances, etc.

14. (1) Save as otherwise provided in this section, the term of office of other members of the Board shall be three years from the date of his nomination; the term of office of an *ex-officio* member shall continue so long as he holds the office by virtue of which he is a member of the Board.

(2) A member shall not be eligible for re-nomination for more than two terms.

(3) A member may resign from his office by writing under his hand addressed to the Chairman and his resignation shall take effect from the date it is accepted by the Chairman.

(4) Any vacancy in the Board occurring before the next reconstitution or before the expiry of the prescribed period shall be filled up in the same manner as provided in section 12 and such a member shall hold office for the remainder of the term of the member in whose place he is nominated.

(5) The members of the Board shall be entitled to such allowances, as may be provided for in the regulations.

Academic
Council.

15. The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, have the control and regulation of, and be responsible for, the maintenance of standards of instruction, education, research and examination within the University.

(2) The Academic Council of the University shall consist of the following members, namely: -

- (i) the Director General, who shall be the Chairman of the Council;
- (ii) three academicians or professionals, to be nominated by the Board;

- (iii) two Directors, by rotation, to be nominated by the Board;
- (iv) two Deans, by rotation, to be nominated by the Board;
- (v) faculties of University School not exceeding three, to be nominated by the Director General.

(3) The Registrar shall be the Secretary of the Academic Council.

(4) The term of office of the members other than the *ex-officio* members, shall be three years.

(5) Any nominated member may resign from his office by writing under his hand addressed to the Chairman of the Academic Council and his resignation shall take effect from such date it is accepted by the Chairman of the Academic Council.

16. Subject to the provisions of this Act and the regulations, the Academic Council shall have the following powers and functions, namely: -

Powers and
functions of
Academic
Council.

- (i) to exercise control over the academic policies of the University and be responsible for the maintenance and improvement of standards of instruction, education and evaluation in the University;
- (ii) to consider matters of general academic interest either on its own initiative or on a reference from the faculties/officers of the University or the Board and to take appropriate action thereon;
- (iii) to recommend to the Board, such regulations as are consistent with this Act regarding the academic functioning of the University including discipline of students; and
- (iv) to exercise such other powers and perform such other functions as may be conferred upon it by the regulations.

17. (1) The Finance Committee shall consist of the following members, namely :-

Finance
Committee.

- (i) the Director General, who shall be the Chairman of the Committee;
- (ii) one member of the Board, to be nominated by the Board;
- (iii) one Director or Dean, by rotation, to be nominated by the Director General;
- (iv) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his representative;
- (v) one expert in the field of finance, to be nominated by the Board;

(2) The Registrar shall be the Secretary of the Finance Committee.

(3) The term of office of the members other than the *ex-officio* members shall be three years.

(4) Any nominated member may resign from his office by writing under his hand addressed to the Chairman of the Finance Committee and his resignation shall take effect from such date it is accepted by the Chairman of the Finance Committee.

**Powers and
functions of
Finance
Committee.**

18. Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-

- (i) to examine the annual accounts and annual budget estimates of the University and advise the Board thereon;
- (ii) to review from time to time the financial position of the University;
- (iii) to make recommendations to the Board on all financial policy matters of the University;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine all proposals relating to the revision of pay scales, up gradation of the scales and those items which are not included in the budget prior to placing before the Board;
- (viii) to approve the expenditure of the University to the extent and manner as may be prescribed; and
- (ix) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

**Director
General.**

19. (1) The Director General shall be appointed by the Board with the approval of the State Government, in the manner as may be prescribed by regulations.

(2) The Director General shall be a scholar of eminence in one of the areas of applied sciences, engineering; infrastructural science, technology or management having suitable administrative experience.

(3) The Director General shall be the Chief Executive and Academic Officer of the University. He shall preside over the meetings of the Academic Council and the Finance Committee.

(4) The term of office of the Director General shall be determined by the Board for a period not exceeding five years or till he attains the age of seventy years, whichever is earlier.

(5) Whenever any vacancy occurs in the office of the Director General and it can not be conveniently and expeditiously filled up in accordance with the provisions of sub-sections (1) and (2) and if there is any emergency, the Board may appoint any suitable person to be the Director General and may, from time to time, extend the term of such person for a period not exceeding one year.

(6) The Director General may resign from his office by writing under his hand addressed to the Chairman of the University and his resignation shall take effect from such date it is accepted by the Chairman.

(7) The other terms and conditions of the services of the Director General shall be such as may be prescribed by the Board and until so prescribed, shall be determined by the Chairman of the University.

20. Without prejudice to the generality of the provision contained in section 19, the Director General shall –

**Powers and
functions of
Director
General.**

- (i) exercise general supervision and control over the day to day affairs of the University;
- (ii) preside over at the meetings of the Academic Council and the Finance Committee;
- (iii) ensure implementation of the decisions of the authorities of the University;
- (iv) ensure that the provisions of this Act and the regulations are faithfully followed;
- (v) be responsible for imparting of instruction and maintenance of discipline in the University; and
- (vi) exercise such other powers and perform such other duties as may be assigned to him by or under this Act or the regulations or as may be delegated to him by the Board or by the Chairman.

21. (1) Where any matter is of an urgent nature requiring immediate action and the same cannot be immediately dealt with by the Chairman or authority or body of the University empowered under this Act to deal with it, the Director General may take such action as he may deem fit with the consent of the Chairman and shall forthwith report the action so taken by him to the authority or body of the University who or which, in the ordinary course, would have dealt with the matter:

**Emergency
powers of
Director
General.**

Provided that if such authority or other body is of the opinion that such action ought not to have been taken by the Director General, it may refer the matter to the Board which may either confirm the action taken by the Director General or annul the same or modify it in such manner as it thinks fit, and thereupon the action shall cease to have effect or, as the case may be, shall take effect in such modified form

However, such modification or annulment shall be without prejudice to the validity of anything previously done by or under the order of the Director General.

(2) Where the exercise of the power by the Director General due to urgency of matter under sub-section (1) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment, in accordance with the provisions of this Act and the regulations, not later than six months from the date of order of the Director General, otherwise such appointment shall cease to have effect on the expiration of a period of six months from the date of order of the Director General.

Registrar.

22. (1) The Registrar shall be appointed by the University in such manner and on such terms and conditions as may be prescribed.

(2) The Registrar shall,--

- (i) be responsible for the custody of records, common seal, the funds of the University and such other property of the University;
- (ii) place before the Board and other authorities of the University, all such information and documents as may be necessary for transaction of its business;
- (iii) be responsible to the Director General for the proper discharge of his functions;
- (iv) be responsible for the administration and services of the University; and conduct the examinations and make all other arrangements necessary thereof and be responsible for the execution of all processes connected therewith;
- (v) attest and execute all documents on behalf of the University;
- (vi) verify and sign the pleadings in all suits and other proceedings by or against the University and all the processes in such suits and proceedings shall be issued to and served on the Registrar; and
- (vii) exercise such other powers and perform such other duties as may be assigned to him by or under this Act, the regulations or as may be delegated to him by the Board or the Director General.

Directors.

23. (1) The Directors of the University School shall be appointed by the Director General, with the approval of the Board in such manner and on such terms and conditions as may be prescribed.

(2) The Directors shall assist the Director General in managing the academic, administrative and other affairs of the University Departments, University Schools and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Director General.

Deans.

24. (1) The Director General, with the approval of the Board, shall appoint the Deans of the University from amongst the faculties of the University.

(2) The Deans shall assist the Director General and respective Directors of University Schools in managing the academic and other affairs of the University, University Schools and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Director General.

25. Subject to the provisions of this Act and regulations, any officer or authority of the University may, by order, delegate his or its powers (except the power to make regulations) to any other officer or authority under his or its control. **Delegation of powers.**

26. Notwithstanding anything contained in any other State law for the time being in force, the University shall have powers to confer degrees, diplomas, honorary degrees, grant certificates and other academic distinctions or titles as approved by the Board on such terms and conditions, as may be prescribed. **Conferment of degrees, diplomas and honorary degrees, grant of certificates by University.**

27. Notwithstanding anything contained in the Act, the University shall have power to withdraw degrees, diplomas, certificates and other academic distinctions for good and sufficient reasons. **Withdrawal of degree or diploma and other academic distinction.**

CHAPTER IV FINANCE AND ACCOUNTS

28. (1) The University shall establish and maintain a Fund to be called the University Fund consisting of -

University Fund.

- (i) any contribution or grants or loans by the State and the Central Government;
- (ii) the income of the University from all sources including income from fees and other charges;
- (iii) all moneys received by the University by way of grants, loans, gifts, donations, benefactions, bequests, transfers or endowments and other grants, if any;
- (iv) all moneys received by the University from the collaborating industry in terms of the provisions of the Memorandum of Understanding entered between the University and the industry, for establishment of the sponsored chairs, fellowships or infrastructure facilities of the University; and
- (v) the moneys received by the University in any other manner or from any other sources.

(2) All moneys credited to the fund of the University shall be deposited in such Banks or the surplus fund shall be invested in such manner as the Board on the recommendation of the Finance Committee or as per the instructions of the State Government issued from time to time in this behalf.

(3) The University Fund shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions under this Act.

(4) No money from the University shall be spent except as otherwise provided for meeting its objectives.

**Accounts, audit
and annual
report.**

29. (1) The University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the income and expenditure and the balance sheet, in such form and in such manner as may be prescribed.

(2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its financial, accounting and auditing functions as may be prescribed.

(3) The accounts of the University shall be audited every year by an auditor, who shall be a Chartered Accountant or a firm of Chartered Accountants as defined in the Chartered Accountants Act, 1949 to be appointed by the Board.

38 of 1949.

(4) The accounts of the University certified by the person or firm so appointed or any other person authorized in this behalf together with the audit report thereon shall be placed before the Board and the Board may issue such instructions and directions to the Director General in respect thereof as it deems fit and the Director General shall comply with such instructions and directions.

(5) The accounts of the University shall be audited by an internal auditor who shall be Chartered Accountant or a firm of Chartered Accountants appointed by the Board, to ensure concurrent audit of all books of accounts and such periodic internal audit reports shall be placed before the Board for review.

(6) The University shall prepare for each financial year an annual report containing such particulars as the Board may specify and submit the same to the Board on or before such date as may be prescribed. The Board shall consider such report and may pass resolutions thereon.

(7) The copy of the annual report along with the resolution of the Board thereon shall be submitted to the State Government.

30. (1) The University shall, with the approval of the Board, constitute for the benefit of its officers, teachers and other employees, in such

**Pension,
provident fund
and insurance.**

manner and subject to such conditions as may be prescribed, such schemes of pension, provident fund and insurance as it may deem fit, and also aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to the benefit of the officers, teachers and other employees of the University.

19 of 1925.

(2) Where any such provident fund has been constituted, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

CHAPTER V MISCELLANEOUS

31. No act or proceeding of the Board or any authority of the University or any Committee constituted under this Act or by regulations shall be questioned on the ground merely of the existence of any vacancy in or defect of, in the constitution of such Board, authority or Committee of the University.

Acts and proceeding not to be invalidated by vacancies.

32. The University shall furnish to the State Government, University Grants Commission and other statutory authorities such reports, returns, statements and other information as may be required by them from time to time.

Returns and information.

45 of 1860.

33. Every officer, teacher and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Officers and employees to be public servants.

Explanation.- For the purpose of this section, any person, who is appointed by the University for a specified period or a specified work of the University or, who received any remuneration by way of allowances or fee for any work done from the University Fund, shall be deemed to an officer or employee of the University while he is performing the duties and functions connected with such appointment of work.

34. (1) No officer or employee or member of the teaching, non-teaching and other academic staff of the University shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

Dismissal, removal, reduction or termination of services of the staff of University.

(2) An appeal against an order of dismissal, removal or reduction in rank under sub-section (1) or of termination of service shall be made to the Chairman within ninety days from the date of communication of such order and the decision of the Chairman in such appeal shall be final.

35. The State Government shall have power to issue direction from time to time as may be required for compliance of the provisions of this Act, the regulation and under any other law for the time being in force and the University shall be bound to comply with such directions.

Power to give directions.

Power to make regulations.

36. (1) Subject to the provisions of this Act, the Board shall have, in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:-

- (i) the summoning and holding of meetings of the authorities of the University, other than the first meeting of the Board, and the quorum and conduct of business at such meeting;
- (ii) the other powers and functions to be exercised and discharged by the Chairman, Director General, Directors and Deans and other officers of the University;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment and removal of members thereof and other matters connected therewith;
- (iv) the other powers and functions to be exercised and discharged by the Academic Council, Finance Committee and other authorities which may be constituted;
- (v) to approve the expenditure of the University to the extent and in the manner by the Finance Committee;
- (vi) the procedure to be followed by the Board and any Committee or other body constituted by or under this Act in the conduct of the business, exercise of the powers and discharge of the functions;
- (vii) the procedures and criteria to be followed in establishing courses of study and admission of students;
- (viii) the procedure to be followed for enforcing discipline in the University;
- (ix) the management of the properties of the University;
- (x) the degrees, diplomas, certificates and other academic distinctions or titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions or titles and the requirements thereof; and to confer honorary degrees or other distinctions in the prescribed manner;
- (xi) the conduct of examinations including the term of office and appointment of examiners;
- (xii) the creation of posts of Directors, Professors, Associate, Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefor;

- (xiii) the fees and other charges to be paid to the University for the courses, training, facilities and services provided by it;
- (xiv) the manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefits of officers, teachers and other employees of the University;
- (xv) the terms and conditions for association of the University with other institutions;
- (xvi) the preparation of budget estimates and maintenance of accounts;
- (xvii) the mode of execution of contracts or agreements by or on behalf of the University;
- (xviii) the classification and procedure for appointment of officers, employees and other staff of the University;
- (xix) the terms, conditions and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Director General, Director, officers, teachers and other employees of the University;
- (xx) the terms and conditions governing deputation of officers, teachers and other employees of the University;
- (xxi) the powers and duties of the Director General, Director and other officers, teachers and employees of the University;
- (xxii) the terms and conditions governing fellowships, scholarships, stipends, medals and prizes;
- (xxiii) the authentication of the orders and the decisions of the Board;
- (xxiv) the matters relating to hostels and halls of residence and housing for faculties, officers and employees and guest house including disciplinary control therein; and
- (xxv) all matters which, by this Act, are to be or may be prescribed.

37. No suit, prosecution or other legal proceeding shall lie against and no damage shall be claimed from the University, the Chairman, the Director General, the Directors, the authorities or officers or employees of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any regulations made thereunder. **Indemnity.**

38. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing difficulties: **Powers to remove difficulties.**

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

CHAPTER VI TRANSITORY PROVISIONS

Appointment of first Chairman and members of the Board. 39. Notwithstanding anything contained in sections 10 and 12, the State Government shall appoint the first Chairman and other members of the Board, as soon as practicable after the commencement of this Act for a period not exceeding three years on such terms and conditions as the State Government thinks fit, who shall exercise all the powers and discharge all the functions of the Board.

Appointment of first Director General. 40. (1) Notwithstanding anything contained in section 19, the State Government shall appoint the first Director General, as soon as practicable after the commencement of this Act for a period not exceeding three years on such terms and conditions as the State Government thinks fit, who shall exercise all the powers and discharge all the functions of the Director General.

(2) The first Director General may, with the prior approval of the Chairman and subject to availability of the funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the regulations and for that purpose, may exercise any powers or perform any duties which by or under this Act and regulations are to be exercised or performed by any authority of the University until such authority comes into existence in accordance with the provisions of this Act and the regulations.

Appointment of first Registrar. 41. Notwithstanding anything contained in section 22, the State Government shall appoint the first Registrar, as soon as practicable after the commencement of this Act for a period not exceeding three years on such terms and conditions as the State Government thinks fit, who shall exercise the powers and discharge the functions of the Registrar.

STATEMENT OF OBJECTS AND REASONS

The demand for engineers in the area of infrastructure, technology, research and management has increased considerably in the recent years. Gujarat being the leading State in the country in the area of infrastructure development, this demand is much higher in the State in comparison to other States. It is expected that in the next few years this demand is going to increase many fold. To cater the need of this specific demand of trained manpower in the area of infrastructure and to provide a platform for the research based institute in the field of engineering, it is considered necessary to have a dedicated autonomous institute with the powers of University.

This Act will provide for the constitution of the Institute of Infrastructure, Technology, Research And Management and to incorporate it as a non-affiliating, teaching and research University at Ahmedabad to enable it to function more efficiently as a teaching and research centre in various branches of learning and courses of study, promoting advancement and dissemination of knowledge and learning in the field of engineering and technology, applied sciences and management sciences in general. This will lead to the development centre of excellence in the area of infrastructure engineering and will boost technical education in the State of Gujarat. It is expected that the Institute shall accommodate approximately 2000 students in the campus, when fully functional. Out of these, 50 per cent. will be Under Graduates and remaining from Post-Graduates Doctoral and sponsored courses in the area of engineering and management.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain in brief, some of the important provisions of the Bill :-

Clause 1.- This clause provides for short title and commencement.

Clause 2.- This clause defines certain terms used in the Bill.

Clauses 3 to 5.- These clauses provide for the establishment, incorporation of the University and also objects and head quarters of the University.

Clause 6.- This clause provides for the powers and functions of the University.

Clauses 8 and 9.- These clauses relate to authorities and officers University.

Clauses 10 and 11.- These clauses provide for the appointment of the Chairman of the University and his powers.

Clauses 12 to 14.- These clauses relate to the constitution of the Board of Governors and its powers and functions; the term of office and the allowances to be paid to the members of the Board.

Clauses 15 and 16.- These clauses provide for the constitution and powers and functions of the Academic Council.

Clauses 17 and 18.- These clauses provide for the constitution of the Finance Committee and its powers and functions.

Clauses 19 and 20.- These clauses provide for appointment of the Director General of the University and his powers and functions.

Clause 21.- This clause provides for emergency powers of the Director General of the University.

Clause 22.- This clause provides for appointment of the Registrar of the University and his powers and functions.

Clause 23.- This clause provides for the appointment of the Directors of the University and their powers and functions.

Clause 24.- This clause provides for the appointment of the Deans of the University and their powers and functions.

Clause 25.- This clause provides for the delegation of powers by any officer or authority of the University to any other officer or authority under his or its control.

Clauses 26 and 27.- These clauses provide for the power of the University for conferment of degrees and diplomas and grant of certificates and for the withdrawal of degrees and diplomas or other academic distinction.

Clause 28.- This clause provides for the fund of the University.

Clause 29.- This clause provides for the preparation and maintenance of accounts and other relevant records, annual statement of accounts, proper system of internal checks and balances and control over financial and accounting matters, concurrent audit, internal audit, regular audit of accounts, and preparation of annual report.

Clause 30.- This clause provides for pension, provident fund and insurance of officers, teachers and other employees of the University.

Clause 31.- This clause provides that no act or proceeding of the Board or any authority or any Committee of the University shall be invalidated merely by the existence of any vacancy in or defect of, in the constitution of such Board, authority or Committee of the University.

Clause 32.- This clause provides for furnishing of the returns and information to the State Government, University Grants Commission and other statutory authorities.

Clause 33. - This clause provides that the officers, teachers and employees of the University shall be deemed to be the public servants.

Clause 34. - This clause provides for dismissal, removal, reduction and termination of service of staff of the University.

Clause 35.- This clause provides for the power of the State Government to give directions to the University as may be required from time to time.

Clause 36.- This clause empowers the Board to make regulations to provide for the academic matters, administration and management of the affairs of the University.

Clause 37.- This clause provides for usual indemnity for action taken by the University or any bodies, authorities, officers or other employees in good faith.

Clause 38.- This clause provides for the power of the State Government to remove difficulties arising within three years from the date of commencement of the Act.

Clauses 39 to 41. - These clauses provide for the appointment of the first Chairman, first Director General and first Registrar of the University, by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years.

RAMANLAL VORA,

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 28 of the Bill contemplates the payment of contribution of the grant to the University among others by the State Government. The Bill, if enacted and brought into operation, would involve an estimated annual expenditure for the financial year 2011-12 of rupees 18 crores and for the financial year 2012-13 of rupees 67 crores from the Consolidated Fund of the State, out of which rupees 47 crores would be of capital expenditure and rupees 10 crores would be of recurring nature and rupees 10 crores would be of non-recurring nature.

RAMANLAL VORA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the remaining provisions of the Act shall come into force.

Clause 6.- (i) Sub-Clause (2) of this clause empowers the Board to prescribe by regulations, the manner in which the students shall be admitted to for courses offered by the University;

(ii) Sub-clause (4) empowers the Board to prescribe by Regulations, the manner in which the University may confer honorary degrees or other academic distinctions;

(iii) sub-clause (10) empowers the Board to prescribe by regulations, the fees and other charges to be fixed, demanded, received or recovered by the University.;

(iv) Sub-clause (20) empowers the Board to prescribe by Regulations, the manner in which the discipline shall be enforced and regulated amongst the officers and employees of the University;

(v) sub-clause (23) of this clause empowers the Board to prescribe the course of study and curricula.

Clause 8.— Sub-clause (iv) of this clause empowers the Board to declare by Regulations, such other authorities to be the authorities of the University.

Clause 9.— Sub-clause (vi) of this clause empowers the Board to declare by Regulations, such other persons to be the officers of the University.

Clause 10.— Sub-clause (3) of this clause empowers the Board to determine by Regulations, the other terms and conditions on which the Chairman of the University shall be appointed.

Clause 11.- Sub-clause (2) of this clause empowers the Board to prescribe by regulations, such other powers to be exercised and such other duties to be performed by the Chairman.

Clause 13.- (i) para (iv) of sub-clause (2) of this clause empowers the Board to make regulations for carrying out the purposes of the Act;
(ii) para (xi) of sub-clause (2) of this clause empowers the Board to prescribe by Regulations, the other powers which may be exercised and the other duties which may be performed by the Board to achieve the objects of the University.

Clause 15.- Sub-clause (1) of this clause empowers to prescribe by regulations, the manner in which the Academic Council shall exercise such other powers and perform such other duties as may be conferred or imposed upon it.

Clause 18.- Sub-clause (viii) of this clause empowers the Board to prescribe by regulations, the manner in which the Finance Committee shall exercise such other powers and perform such other duties as may be conferred or imposed upon it.

Clause 19.- (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which the Director General shall be appointed by the Board;

(ii) sub-clause (7) of this clause empowers the Board to prescribe by regulations, the other terms and conditions of services of the Director General.

Clause 20.- Sub-clause (vi) of this clause empowers the Board to prescribe by regulations, such other powers to be exercised and such other duties to be performed by the Director General.

Clause 22.- (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which and the terms and conditions on which the Registrar shall be appointed;

(ii) para (vii) of sub-clause (2) of this clause empowers the Board to prescribe by regulations, such other powers to be exercised and such other duties to be performed by the Registrar.

Clause 23.- (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which and the terms and conditions on which the Directors of University School shall be appointed;

(ii) sub-clause (2) empowers the Board to prescribe by regulations, the manner in which the Directors of University School shall exercise such other powers and perform such other functions.

Clause 24.- Sub-clause (2) of this clause empowers the Board to prescribe by regulations, the manner in which the Deans of the respective faculties shall exercise such other powers and perform such other functions.

Clause 25.- This clause empowers any officer or authority of the University subject to the provisions of the Act or any regulations to delegate by order, his or its powers (except the power to make regulations) to any other officer or authority under his or its control.

Clause 26.- This clause empowers the Board to prescribe by regulations, the terms and conditions on which the University shall confer degrees, diplomas, honorary degrees, grant certificates and other academic distinctions and titles.

Clause 27.- This clause empowers the Board to prescribe by regulations, the good and sufficient reasons for which the University shall withdraw degrees, diplomas, certificates and other academic distinctions.

Clause 29.- (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which proper accounts, other relevant records, annual statement of accounts, the income and expenditure statement and balance sheet shall be maintained;

(ii) sub-clause (2) empowers the Board to prescribe by regulations, the manner in which the University shall discharge its functions of internal checks and balances and control over financial, accounting and auditing matters;

(iii) sub-clause (6) empowers the Board to prescribe by regulations, the date on or before which annual report containing such particulars shall be submitted to the Board.

Clause 30.- Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which and conditions subject to which the University shall constitute such schemes of pension, provident fund and insurance.

Clause 36.- Sub-clause (1) of this clause empowers the Board to make regulations for administration and management of affairs of the University; and sub-clause (2) empowers the Board to make regulations for all or any of the matters specified therein.

Clause 38.- This clause empowers the State Government to make by an order published in the *Official Gazette*, such provisions not inconsistent with the provisions of the Act, to remove any difficulty arising within the first two years, as appear to be necessary or expedient for removing the difficulty.

Clauses 39 to 41.- These clauses empower the State Government to appoint the first Chairman, the first Director General and the first Registrar for a period not exceeding three years, on such terms and conditions, as the State Government thinks fit.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 14th February, 2012.

RAMANLAL VORA.

By Order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 14th February, 2012.

C. J. GOTH,

Secretary, to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT PUBLIC TRUSTS (REPEAL) BILL, 2012.

GUJARAT BILL NO. 2 OF 2012.

A BILL

to repeal the Gujarat Public Trusts Act, 2011.

It is hereby enacted in the Sixty-third Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Public Trusts (Repeal) Act, 2012. Short title.

Guj. 23 of 2011. 2. The Gujarat Public Trusts Act, 2011 is hereby repealed. Repeal of Guj. 23 of 2011.

V- Ex. 2-1

2-1

STATEMENT OF OBJECTS AND REASONS

With a view to enacting the Gujarat Laws in place of Bombay Laws, the State Government has enacted the Gujarat Public Trusts Act, 2011 (Guj. 23 of 2011). Though the said Act was enacted, the notification under sub-section (3) of section 1 of the said Act for bringing into force the Act had not been issued and as such, the said Act has not come into force, and the provisions of the Bombay Public Trusts Act, 1950 continue to be applicable to the public trusts in the State of Gujarat. In the meanwhile, the State Government received representations from the charitable and religious public trusts as well as from the general public against some of the provisions of the said Act of 2011. The State Government has considered these representations and it is considered necessary to repeal the said Act.

This Bill seeks to achieve the aforesaid object.

Dated the 15th February, 2012.

DILEEP SANGHANI.

By Order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 15th February, 2012.

C. J. GOTHI,

Secretary, to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

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Extra No. 3



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE KADI SARVA VISHWAVIDYALAYA (AMENDMENT) BILL, 2012.

GUJARAT BILL NO. 3 OF 2012.

A BILL

further to amend the Kadi Sarva Vishwavidyalaya Act, 2007.

It is hereby enacted in the Sixty- third Year of the Republic of India as follows:-

1. (1) This Act may be called the Kadi Sarva Vishwavidyalaya (Amendment) Act, 2012.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
section 2 of Guj.
21 of 2007.

2. In the Kadi Sarva Vishwavidyalaya Act, 2007 (hereinafter referred to as "the principal Act"), in section 2, for clause (k), the following clause shall be substituted, namely:-

"(k) "Schedule" means Schedules appended to this Act;"

Amendment of
section 3 of Guj.
21 of 2007.

3. In the principal Act, in section 3,-

(1) in sub-section (4), for the words "the Schedule", the word and figure "Schedule I" shall be substituted;

(2) after sub-section (4), the following sub-section shall be inserted, namely :-

"(4A) The colleges and institutions specified in Schedule II, affiliated to and enjoying the privileges of the Gujarat Technological University or, as the case may be, the Hemchandracharya North Gujarat University immediately before the commencement of the Kadi Sarva Vishwavidyalaya (Amendment) Act, 2012 shall cease to be affiliated from the Gujarat Technological University or, as the case may be, the Hemchandracharya North Gujarat University and shall be deemed to be withdrawn from such privileges from the date of the commencement of the Kadi Sarva Vishwavidyalaya (Amendment) Act, 2012 and shall be deemed to be admitted to the privileges of the University, and all such colleges and institutions shall be the constituent colleges and institutions of the University."

Guj. of 2012.

Guj. of 2012.

Amendment of
section 7 of Guj.
21 of 2007.

4. In the principal Act, in section 7, in clauses (i) and (vii), the words "within the University campus" shall be deleted.

Amendment of
section 39 of
Guj. 21 of 2007.

5. In the principal Act, in section 39, for the words "the Schedule", the word and figure "Schedule I" shall be substituted.

Insertion of new
section 39A in
Guj. 21 of 2007.

6. In the principal Act, after section 39, the following section shall be inserted, namely:-

Completion of
courses of students in
colleges affiliated to
Gujarat
Technological
University or
Hemchandracharya
North Gujarat
University.

"39A. Notwithstanding anything contained in this Act or the Regulations, any student of the colleges or institutions specified in Schedule II and affiliated to the Gujarat Technological University or, as the case may be, the Hemchandracharya North Gujarat University, who immediately before the commencement of the Kadi Sarva Vishwavidyalaya (Amendment) Act, 2012 was studying or was eligible for any examination of the Gujarat Technological

Guj. of 2012

University or, as the case may be, the Hemchandracharya North Gujarat University shall be permitted to complete his course in preparation therefore, and the University shall provide for such period and in such manner as may be prescribed for the instruction, teaching, training and examination of such students, in accordance with the courses of studies of the Gujarat Technological University or, as the case may be, the Hemchandracharya North Gujarat University.”.

7. In the principal Act, the existing Schedule shall be renumbered as Schedule I, and after Schedule I as so renumbered, the following Schedule shall be added, namely:-

Insertion of new
Schedule II to
Guj. 21 of 2007.

“SCHEDULE II

(See sub-section (4A) of section 3 and section 39A)

Sr. No.	Name of the Colleges / Institutions	Courses being offered	Affiliated to
1	2	3	4
1.	Leelaben Dashrathbhai Ramdas Patel (LDRP) Institute of Technology and Research, Gandhinagar.	Bachelor of Engineering, Master of Engineering, Master of Business Administration (M.B.A.), Master of Computer Application (M.C.A.)	Gujarat Technological University
2.	S. V. Institute of Computer Studies, Kadi.	Master of Computer Application (M.C.A.)	Gujarat Technological University
3.	S. V. Institute of Management, Kadi	Master of Business Administration (M.B.A.)	Gujarat Technological University
4.	Narsinhbhai Patel College of Computer Studies and Management, Kadi.	Bachelor of Business Administration (B.B.A.), Bachelor of Computer Application (B.C.A.) and Post-Graduate Diploma in Computer Application (PGDCA)	Hemchandracharya North Gujarat University
5.	S. V. College of Education, Kadi	Bachelor of Education (B. Ed.) (Gujarati Medium)	Hemchandracharya North Gujarat University
6.	Acharya Shri Manubhai J. Patel M.Ed, College, Kadi.	Master of Education (M. Ed.)	Hemchandracharya North Gujarat University”.

STATEMENT OF OBJECTS AND REASONS

The Kadi Sarva Vishwavidyalaya has been established as a private University by a State law to provide an opportunity for quality education in various faculties and to add the opportunities for the students of Gujarat for higher education in the State.

It is proposed to amend the Kadi Sarva Vishwavidyalaya Act, 2007 (Guj. 21 of 2007) to bring certain self-financed colleges run by the Trust within the ambit of the Act so as to make them the constituent colleges of the University. In view of the objects of the University laid down in section 5 of the Act, it is one of the objects of the University to create centers of excellence for providing knowledge, education, training and research facilities of high order in the field of higher education by various faculties and subjects. In this view of the matter it is found necessary that the University should not be limited to a single campus but it may have various campuses or off campus constituent colleges also. The University Grants Commission has also conceptualized the Unitary and Private University having single or multiple campuses or having distributed campuses. The amendment proposed to be made by insertion of new off campus colleges is in consonance with the concept of University Grants Commission to allow Unitary and Private University to have multiple campuses or distributed campuses.

The privileges of certain colleges and institutions which are enjoyed by the Hemchandracharya North Gujarat University or, as the case may be, the Gujarat Technological University, are proposed to be withdrawn from the said concerned Universities and after the commencement of the Act, the privileges of the University shall be enjoyed by such colleges and institutions as the constituent colleges and institutions of the University established by the said Act.

The new section 39A proposed to be inserted in the said Act provides safeguards, for the completion of courses of, to the students studying in the colleges affiliated to the Hemchandracharya North Gujarat University or, as the case may be, the Gujarat Technological University.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

RAMANLAL VORA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respect :-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which this Act shall come into force.

Clause 5.- New section 39A proposed to be inserted by this clause empowers the University to prescribe by regulations, the period within which and the manner in which the University shall provide for the instruction, teaching, training and examination of the students in accordance with the courses of studies of the Gujarat Technological University or the Hemchandracharya North Gujarat University.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 18th February, 2012.

RAMANLAL VORA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 18th February, 2012.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते

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PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT PROFESSIONAL TECHNICAL EDUCATIONAL COLLEGES OR INSTITUTIONS (REGULATION OF ADMISSION AND FIXATION OF FEES) (AMENDMENT) BILL, 2012.

GUJARAT BILL NO. 4 OF 2012.

A BILL

*further to amend the Gujarat Professional Technical Educational
Colleges or Institutions (Regulation of Admission and Fixation of
Fees) Act, 2007.*

It is hereby enacted in the Sixty-third Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Professional Technical Educational Short title.
Colleges or Institutions (Regulation of Admission and Fixation of Fees)
(Amendment) Act, 2012.

Guj. 2 of 2008. 2. In the Gujarat Professional Technical Educational Colleges or Amendment
Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 of section 2 of
(hereinafter referred to as "the principal Act"), in section 2,- Guj.2 of 2008.

(i) in clause (g), after sub-clause (ii), the following sub-clause shall be inserted, namely:-

“(iii) all supernumerary seats of the professional courses in the Government colleges or institutions and in the aided and unaided colleges or institutions;”;

(ii) after clause (I), the following clause shall be inserted, namely:-

“(II) “supernumerary seats” means the seats which are termed as such by the AICTE or other statutory body and which are over and above the sanctioned intake of professional course;”.

Amendment
of section 6 of
Guj.2 of 2008.

3.

In the principal Act, the existing section 6 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

“(2) Notwithstanding anything contained in sub-section (1), in the event of no student being available from the merit list or the seats declared as vacant by the Admission Committee, the Government may permit admission to such professional course in the manner as may be prescribed.”.

Insertion of new
section 7A in
Guj.2 of 2008.

4.

In the principal Act, after section 7, the following section shall be inserted, namely:-

Provisions
relating to
admission to
students from
other States.

“7A. (1) Notwithstanding anything contained in this Act so far as admission to professional courses is concerned, students from other States may be given admission in the unaided colleges or institutions in such manner and on such number of seats of professional courses, as may be specified by an order published in the *Official Gazette*, by the State Government.

(2) For the purpose of giving admission to the students referred to in sub-section (1), the State Government may,-

- (a) specify the criteria on which the admission may be given, or
- (b) may direct to conduct the separate common entrance test, and to prepare the separate merit list on the basis of the same for such professional courses.”.

Amendment
of section 10
of Guj.2 of
2008.

5.

In the principal Act, in section 10, in sub-section (1), the words “and for students from other States” shall be added at the end.

6.

In the principal Act, after section 13, the following section shall be inserted, namely:-

Insertion of new
section 13A in
Guj.2 of 2008.

Exemption.

“13A. The State Government may exempt from all or any of the provisions of this Act, by notification in the *Official Gazette*, such college or institution which may be declared as the Center of Excellence after following due procedure as may be laid down in the rules.”.

STATEMENT OF OBJECTS AND REASONS

During the last 10 years, the number of approved seats in the professional courses in the Gujarat State has significantly increased year by year in order to reduce the gap between demand and supply of trained manpower in Industries. In the last two-three years, after completion of the admission process in the professional courses, considerable seats have remained vacant in some disciplines. At the same time neighboring States like Rajasthan and Maharashtra as well as distant States like Tamil Nadu, Karnataka and Andhra Pradesh have been allowing students from other States since long. This has strengthened the competition and knowledge aspect of the students in their States. Hence, to fill the vacant seats as well as to improve competitiveness of our students, it is considered necessary to provide admission to the students from other States within the limit as may be decided by the Government from time to time in unaided colleges or institutions of the State. *Clause 4* of the Bill provides for the same. An opportunity is taken to amend certain provisions of the Act so as to remove any ambiguity of supernumerary and vacant seats. *Clauses 2 and 3* of the Bill provide for the same. It is also considered necessary to exempt certain colleges or institutions which have achieved the level of Centre of Excellence from all or any of the provisions of the Act. The State Government will lay down the criteria and norms for a college or an institution which may be declared as the Center of Excellence. *Clause 6* of the Bill provides for the same. Consequential amendments have been made to give effect to aforesaid provisions.

This Bill seeks to amend the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 (Guj. 2 of 2008) to achieve the aforesaid objects.

RAMANLAL VORA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects:-

Clause 3.- Sub-section (2) proposed to be inserted in section 6 by this clause empowers the State Government to prescribe by rules, the manner in which admission of students shall be permitted in such professional courses in the event of no student being available from the merit list or the seats declared as vacant by the Admission Committee.

Clause 4.- (i) New section 7A proposed to be inserted by this clause empowers the State Government to specify by an order, the manner in which and the number of seats of professional courses on which the admission to students from other States in the professional courses in the unaided colleges or institutions shall be given;

(ii) sub-clause (2) of this clause empowers the State Government to specify the criteria on which the students from other States may be given admission or may direct to conduct the separate common entrance test, and to prepare the separate merit list for such professional courses.

Clause 6.- New section 13A proposed to be inserted by this clause empowers the State Government, by notification in the *Official Gazette*, to exempt from all or any of the provisions of this Act such college or institution which may be declared under the rules as the Center of Excellence.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 18th February, 2012.

RAMANLAL VORA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,

Dated the 18th February, 2012.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.



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The Gujarat Government Gazette

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules :-

THE BHAVNAGAR UNIVERSITY (AMENDMENT) BILL, 2012.

GUJARAT BILL NO. 5 OF 2012.

A BILL

further to amend the Bhavnagar University Act, 1978.

It is hereby enacted in the Sixty-third Year of the Republic of India as follows:-

1. This Act may be called the Bhavnagar University (Amendment) Act, 2012. Short title.

Guj. 26 of 1978. 2. In the Bhavnagar University Act, 1978 (hereinafter referred to as "the principal Act"), in the long title, for the words "Bhavnagar University", the words "Maharaja Krishnakumarsinhji Bhavnagar University" shall be substituted. Amendment of long title of
Guj. 26 of 1978.

Amendment of section 1 of Guj.26 of 1978. 3. In the principal Act, in section 1, in sub-section (1), for the words and figures "the Bhavnagar University Act, 1978", the words and figures "the Maharaja Krishnakumarsinhji Bhavnagar University Act, 1978" shall be substituted. Guj. 26 of 1978.

Amendment of section 2 of Guj.26 of 1978. 4. In the principal Act, in section 2, in clause (16), for the words "the Bhavnagar University", the words "Maharaja Krishnakumarsinhji Bhavnagar University" shall be substituted.

Amendment of section 3 of Guj.26 of 1978. 5. In the principal Act, in section 3, in sub-section (1), for the words "The Bhavnagar University", the words "Maharaja Krishnakumarsinhji Bhavnagar University" shall be substituted.

Insertion of new section in Guj.26 of 1978. 6. In the principal Act, after section 68, the following new section shall be inserted, namely:-

Construction of reference to the Bhavnagar University Act, 1978 and the Bhavnagar University in existing laws, instruments, etc. "68A. (1) As from the commencement of the Bhavnagar University (Amendment) Act, 2012 (hereinafter referred to as "the said Act"), any reference in any existing law or instrument or document- Guj. of 2012.

(i) to the expression "the Bhavnagar University Act, 1978" shall be construed as if it were a reference to "the Maharaja Krishnakumarsinhji Bhavnagar University Act, 1978", and

(ii) to the expression "The Bhavnagar University" shall be construed as if it were a reference to "Maharaja Krishnakumarsinhji Bhavnagar University".

(2) Any act done by, or any suit or other proceeding filed by or against the Bhavnagar University before the commencement of the said Act shall be deemed to have been done or, as the case may be, filed by or against Maharaja Krishnakumarsinhji Bhavnagar University.

Explanation.- For the purpose of this section "existing law" means any enactment of a Legislature or any other competent authority in relation to matters specified in List II and List III in the Seventh Schedule to the Constitution of India as in force in any part of the State of Gujarat immediately before the commencement of the said Act and includes any statute, ordinance, rule, bye-law, regulation, order, notification, scheme, form or other instrument having the force of law made, prescribed or issued under any such enactment."

STATEMENT OF OBJECTS AND REASONS

To pay tribute for the tremendous religious, literary and academic contribution of Maharaja Krishnakumarsinhji, the Executive Council of the Bhavnagar University has considered it worthwhile to re-name "the Bhavnagar University" as "Maharaja Krishnakumarsinhji Bhavnagar University". A resolution has been passed by the Executive Council of the Bhavnagar University to that effect. It is, therefore, considered necessary to amend the long title, short title and other relevant sections of the Bhavnagar University Act, 1978 (Guj. 26 of 1978).

This Bill seeks to amend the said Act to achieve the aforesaid object.

Dated the 18th February, 2012.

RAMANLAL VORA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,

Dated the 18th February, 2012.

C. J. GOTHI.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules :-

THE VIR NARMAD SOUTH GUJARAT UNIVERSITY (AMENDMENT) BILL, 2012.

GUJARAT BILL NO. 6 OF 2012.

A BILL

further to amend the Vir Narmad South Gujarat University Act, 1965.

It is hereby enacted in the Sixty-third Year of the Republic of India as follows:-

1. This Act may be called the Vir Narmad South Gujarat University (Amendment) Act, 2012. Short title.

Guj. 38 of 1965. 2. In the Vir Narmad South Gujarat University Act, 1965 (hereinafter referred to as "the principal Act"), in the long title, for the words "the Vir Narmad South Gujarat University", the words "Veer Narmad South Gujarat University" shall be substituted. Amendment of long title of Guj. 38 of 1965.

Amendment of section 1 of Guj. 38 of 1965. 3. In the principal Act, in section 1, in sub-section (1), for the words and figures "the Vir Narmad South Gujarat University Act, 1965", the words and figures "the Veer Narmad South Gujarat University Act, 1965" shall be substituted. Guj. 38 of 1965.

Amendment of
section 2 of
Guj. 38 of
1965.

4. In the principal Act, in section 2, in clause (15), for the words "the Vir Narmad South Gujarat University", the words "Veer Narmad South Gujarat University" shall be substituted.

Amendment of
section 3 of
Guj. 38 of 1965.

5. In the principal Act, in section 3, in sub-section (1), for the words "The Vir Narmad South Gujarat University", the words "Veer Narmad South Gujarat University" shall be substituted.

Insertion of
new section
60B in Guj. 38
of 1965.

6. In the principal Act, after section 60A, the following section shall be inserted, namely:-

Construction
of reference to
the Vir
Narmad South
Gujarat
University Act,
1965 and Vir
Narmad South
Gujarat
University in
existing laws,
instruments,
etc.

"60B. (1) As from the commencement of the Vir Narmad South Gujarat University (Amendment) Act, 2012 (hereinafter referred to as "the said Act"), any reference in any existing law or instrument or document- Guj. of 2012.

- (a) to the expression "the Vir Narmad South Gujarat University Act, 1965" shall be construed as if it were a reference to "the Veer Narmad South Gujarat University Act, 1965", and
- (b) to the expression "The Vir Narmad South Gujarat University" shall be construed as if it were a reference to "Veer Narmad South Gujarat University".

(2) Any act done by, or any suit or other proceeding filed by or against the Vir Narmad South Gujarat University before the commencement of the said Act shall be deemed to have been done or, as the case may be, filed by or against Veer Narmad South Gujarat University.

Explanation.- For the purpose of this section "existing law" means any enactment of a Legislature or any other competent authority in relation to matters specified in List II and List III in the Seventh Schedule to the Constitution of India as in force in any part of the State of Gujarat immediately before the commencement of the said Act and includes any statute, ordinance, rule, bye-law, regulation, order, notification, scheme, form or other instrument having the force of law made, prescribed or issued under any such enactment."

STATEMENT OF OBJECTS AND REASONS

The name of "the South Gujarat University Act, 1965" (Guj. 38 of 1965) was changed to "the Vir Narmad South Gujarat University Act, 1965" and that of "the South Gujarat University" to "the Vir Narmad South Gujarat University" by the Gujarat Universities Laws (Second Amendment) Act, 2003 (Guj. 2 of 2004). In the said names of the Act as well as the University, the term used is "Vir". In this connection, the University has proposed to spell the term "Vir" as "Veer". The University has also proposed to delete the word "the" preceding before the name of the University. It is, therefore, considered necessary to amend the long title, short title and other relevant sections of the Vir Narmad South Gujarat University Act, 1965.

This Bill seeks to amend the said Act to achieve the aforesaid object.

Dated the 18th February, 2012.

RAMANLAL VORA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 18th February, 2012.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.



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PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE PANDIT DEENDAYAL PETROLEUM UNIVERSITY (AMENDMENT) BILL, 2012.

GUJARAT BILL NO. 7 OF 2012.

A BILL

further to amend the Pandit Deendayal Petroleum University Act, 2007.

It is hereby enacted in the Sixty-third Year of the Republic of India as follows:-

1. This Act may be called the Pandit Deendayal Petroleum University (Amendment) Act, 2012. Short title.

Guj. 14 of 2007. 2. In the Pandit Deendayal Petroleum University Act, 2007, in section 8,- Amendment of section 8 of Guj. 14 of 2007.

(i) in sub-section (2), in clause (iii), for the words "sixty-five years", the words "Seventy years" shall be substituted;

(ii) in sub-section (3), for the words "for one more term only", the words "for more than one term" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Section 8 of the Pandit Deendayal Petroleum University Act, 2007 (Guj. 14 of 2007) provides for the appointment and other terms and conditions for appointment of the President of the University. Under the existing provisions of the Act, a person who has not attained the age of sixty-five years can be appointed as the President of the University and the person who has been appointed as President is eligible for re-nomination only for one more term.

It is felt that the age should not pose any problem for appointment of a deserving and suitable person as the President of the University. It is, therefore, considered necessary to increase the age limit of "sixty-five years" to "seventy years" for appointment of the President. It is also considered necessary to remove the embargo of re-nomination of the President for only one term.

This Bill seeks to amend the said Act to achieve the aforesaid object.

-Dated the 21st February, 2012.

SAURABH PATEL

By Order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 21st February, 2012.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते

REGISTERED No.L2/RNP/ G/GNR-84
વાર્ષિક લવાજમનો દર રૂ. ૩૦૦૦/-

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PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT (SUPPLEMENTARY) APPROPRIATION BILL, 2012.

GUJARAT BILL NO. 8 OF 2012.

A BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2012.

It is hereby enacted in the Sixty-third Year of the Republic of India as follows :-

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 2012.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum five thousand forty-nine crores, ten lakhs, six thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2012, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of
₹ 50,49,10,06,000
from and out of
the Consolidated
Fund of the State
of Gujarat for
the financial
year 2011-2012.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

SCHEDULE
(See sections 2 and 3)

Demand No. of Vote/ Appro- priation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		₹	₹	₹
1	Agriculture and Co-operation Department	Revenue	1000	0	1000
2	Agriculture	Revenue	1783109000	10000	1783119000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	16035000	0	16035000
4	Animal Husbandry and Dairy Development	Revenue	22993000	23000	23016000
5	Co-operation	Revenue	13380000	0	13380000
6	Fisheries	Revenue	0	15000	15000
7	Other Expenditure pertaining to Agriculture and Co-operation Department	Revenue	0	350000	350000
8	Education Department	Revenue	440000	0	440000
9	Education	Revenue	11805379000	90200000	11895579000
		Capital	374145000	0	374145000
10	Other expenditure pertaining to Education Department	Revenue	3300000	0	3300000
		Capital	299885000	0	299885000
12	Tax Collection Charges (Energy and Petrochemicals Department)	Revenue	1000	0	1000
13	Energy Projects	Revenue	3940000000	0	3940000000
14	Other expenditure pertaining to Energy and Petro-chemicals Department	Revenue	780000	0	780000
		Capital	3500000000	0	3500000000
15	Finance Department	Revenue	1000	0	1000
16	Tax Collection Charges (Finance Department)	Revenue	1000	0	1000
18	Pensions and Other Retirement Benefits	Revenue	4559965000	3558000	4563523000
19	Other expenditure pertaining to Finance Department	Revenue	1000	0	1000
		Capital	20900000	0	20900000
20	Repayment of debt pertaining to Finance Department and its services	Revenue	0	1448955000	1448955000
21	Food, Civil Supplies and Consumer Affairs Department	Revenue	1000	0	1000
22	Civil Supplies	Revenue	2000	0	2000
26	Forest	Revenue	120306000	2515000	122821000
29	Governor	Revenue	0	8565000	8565000
30	Council of Ministers	Revenue	6500000	0	6500000
31	Election	Revenue	202468000	0	202468000
32	Public Service Commission(GAD)	Revenue	0	1000	1000

Demand No.of Vote/ Appro- priation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
33	General Administration Department	Revenue	3000	0	3000
34	Economic Advice and Statistics	Revenue	275040000	0	275040000
35	Other expenditure pertaining to General Administration Department.	Revenue	0	4047000	4047000
39	Medical and Public Health	Revenue	789241000	292000	789533000
		Capital	248796000	0	248796000
40	Family Welfare	Revenue	47200000	0	47200000
		Capital	350000000	0	350000000
41	Other expenditure pertaining to Health and Family Welfare Department	Revenue	0	147000	147000
42	Home Department	Revenue	1000	0	1000
43	Police	Revenue	734514000	6204000	740718000
44	Jails	Revenue	97679000	0	97679000
46	Other expenditure pertaining to Home Department.	Revenue	2000	3871000	3873000
		Capital	242000000	0	242000000
49	Industries	Revenue	1000	0	1000
		Capital	166170000	0	166170000
50	Mines and Minerals	Revenue	9170000	0	9170000
51	Tourism	Revenue	173445000	0	173445000
54	Information and Publicity	Revenue	119830000	0	119830000
57	Labour and Employment	Revenue	193066000	3293000	196359000
58	Other Expenditure pertaining to Labour and Employment Department.	Revenue	0	2437000	2437000
59	Legal Department.	Revenue	1000	0	1000
60	Administration of Justice	Revenue	119529000	78239000	197768000
61	Other expenditure pertaining to Legal Department	Revenue	354733000	0	354733000
65	Narmada Development Scheme	Capital	1183501000	0	1183501000
66	Irrigation and Soil Conservation	Revenue	1000	7086000	7087000
		Capital	1445888000	56526000	1502414000
67	Water Supply	Revenue	100000000	0	100000000
		Capital	640000000	0	640000000
68	Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	0	208242000	208242000
69	Panchayat, Rural Housing and Rural Development Department	Revenue	12862000	0	12862000
70	Community Development	Revenue	742702000	0	742702000
71	Rural Housing and Rural Development	Revenue	62000000	20000000	82000000
72	Compensation and Allowances	Revenue	168218000	0	168218000

Demand No.of Vote/ Appro- priation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
73	Other expenditure pertaining to Panchayat, Rural Housing and Rural Development Department	Revenue	878300000	0	878300000
74	Transport	Revenue	2038771000	0	2038771000
75	Other expenditure pertaining to Ports and Transport Department	Revenue	1000	0	1000
76	Revenue Department	Revenue	1000	0	1000
77	Tax Collection Charges (Revenue Department)	Revenue	0	1553000	1553000
78	District Administration	Revenue	2000	0	2000
83	Roads and Buildings Department	Revenue	37571000	0	37571000
84	Non-Residential Buildings	Revenue	423151000	3316000	426467000
		Capital	3000	0	3000
85	Residential Buildings	Revenue	261107000	0	261107000
86	Roads and Bridges	Revenue	3510265000	9790000	3520055000
		Capital	1000	5224000	5225000
87	Gujarat Capital Construction Scheme	Revenue	22917000	0	22917000
		Capital	61800000	0	61800000
88	Other expenditure pertaining to Roads and Buildings Department	Revenue	10434000	33446000	43880000
89	Science and Technology Department	Revenue	2230000	0	2230000
92	Social Security and Welfare	Revenue	154521000	2230000	156751000
93	Welfare of Scheduled Tribes	Revenue	44132000	0	44132000
94	Other expenditure pertaining to Social Justice and Empowerment Department	Capital	413000	0	413000
95	Scheduled Castes Sub-Plan	Revenue	357384000	0	357384000
96	Tribal Area Sub-Plan	Revenue	2922713000	35960000	2958673000
		Capital	616848000	11159000	628007000
98	Youth Services and Cultural Activities	Revenue	17181000	53000	17234000
101	Urban Housing	Revenue	0	36180000	36180000
102	Urban Development	Revenue	1000	0	1000
105	Women and Child Development Department	Revenue	520000	0	520000
106	Other expenditure pertaining to Women and Child Development Department	Revenue	1801966000	0	1801966000
	Total :	Revenue	39257169000	2010578000	41267747000
		Capital	9150350000	72909000	9223259000
	Grand Total :		48407519000	2083487000	50491006000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 204 of the Constitution of India read with article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the supplementary expenditure on certain services and purposes in relation to the financial year ending on the thirty-first day of March, 2012.

The amounts are shown below: -

(a)	Revenue Expenditure	41,26,77,47,000
(b)	Capital Expenditure	9,22,32,59,000
Total :		<hr/> 50,49,10,06,000 <hr/>

Dated the 6th March, 2012.

VAJUBHAI VALA.

By Order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 6th March, 2012.

C. J. GOTHI,

Secretary, to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Extra No. 9



सत्यमेव जयते

REGISTERED No.L2/RNP/ G/GNR-84

વાર્ષિક લવાજમનો દર રૂ. ૩૦૦૦/-

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PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT PRIVATE UNIVERSITIES (AMENDMENT) BILL, 2012.

GUJARAT BILL NO. 9 OF 2012.

A BILL

further to amend the Gujarat Private Universities Act, 2009.

Guj. 8 of 2009.

WHEREAS the Bhandari Charitable Trust, Ahmedabad and the Rai Foundation, New Delhi have applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish Private Universities in the State;

AND WHEREAS the said applications have been scrutinised by the Scrutiny Committee and on the report of Scrutiny Committee, the State

Government has issued the letter of intent to the respective sponsoring bodies for establishment of the Private University;

AND WHEREAS the State Government is satisfied that the sponsoring bodies have complied with the conditions of letter of intent as provided in section 10 of the said Act and have also established the Endowment Fund as per the letter of intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, establishes the institutions specified in column 2 of the Schedule as the Private University of the aforesaid sponsoring bodies, by the name, location and jurisdiction as specified in column 4 of the Schedule.

It is hereby enacted in the Sixty-third Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Gujarat Private Universities (Amendment) Act, 2012.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of Schedule to Guj. 8 of 2009.

2. In the principal Act, in the Schedule, after entry at serial No. 8, the following entries shall be inserted, namely:-

Guj. 8 of 2009.

Sr. No.	Name and Address of the Private University.	Details of Registration and Registration Number	Sponsoring Body.
1.	2.	3.	4.
"9.	Indus University, Ahmedabad.	Trust Registration – Ahmedabad, No. E-6844, Ahmedabad (under the Bombay Public Trusts Act, 1950).	Bhandari Charitable Trust, A-1, Skylark Apartment, Satellite Road, Satellite, Ahmedabad-380015.
10.	Rai University, Ahmedabad.	Trust Registration – New Delhi, No. 5539 of Dated 01/08/1996.	Rai Foundation, A-41, MCIE, Mathura Road, New Delhi-110044."

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Private Universities Act, 2009 (Guj. 8 of 2009) to provide for establishment of Private Universities in the State so as to provide for qualitative and industry relevant higher education and to regulate their functions, under which in all eight Private Universities have been established so far.

The State Government has received proposals among others from the Bhandari Charitable Trust, Ahmedabad and the Rai Foundation, New Delhi for establishment of the Indus University, Ahmedabad and Rai University in the Ahmedabad District respectively as the Private Universities. The said proposals have been considered by the State Government and since the said sponsoring bodies have complied with the provisions of the Act, it is considered necessary to include the names of said Universities in the Schedule to the Act, thereby conferring them the Status of Private University.

This Bill seeks to amend the said Act to achieve the aforesaid object.

RAMANLAL VORA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative power in following respect :-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 9th March, 2012.

RAMANLAL VORA.

By Order and in the name of the Governor of Gujarat,

C. J. GOTH,

Gandhinagar.

Dated the 9th March, 2012.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. LIII]

WEDNESDAY, MARCH 14, 2012/PHALGUNA 24, 1933

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the
Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the
proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT ELECTRICITY DUTY (AMENDMENT) BILL, 2012.

GUJARAT BILL NO. 10 OF 2012.

A BILL

further to amend the Gujarat Electricity Duty Act, 1958.

It is hereby enacted in the Sixty-third Year of the Republic of India as
follows:-

1. (1) This Act may be called the Gujarat Electricity Duty (Amendment) Act, 2012. Short title and commencement.

(2) It shall come into force on the 1st April, 2012.

Bom.XL of
1958.

2. In the Gujarat Electricity Duty Act, 1958, in Schedule I, in Part I,-

(1) in item (1),-

Amendment
of Schedule I
to Bom.XL of
1958.

V- Ex. 10-1

(a) in sub-item (a), in column 3, for the figures and words "10 per cent.", the figures and words "7.50 per cent." shall be substituted;

(b) in sub-item (b), in column 3, for the figures and words "20 per cent.", the figures and words "15 per cent." shall be substituted;

(2) in item (1A), -

(a) in sub-item (a), in column 3, for the figures and words "10 per cent.", the figures and words "7.50 per cent." shall be substituted;

(b) in sub-item (b), in column 3, for the figures and words "20 per cent.", the figures and words "15 per cent." shall be substituted;

(3) in item (1B), -

(a) in sub-item (i), in column 3, for the figures and words "10 per cent.", the figures and words "7.50 per cent." shall be substituted;

(b) in sub-item (ii), in column 3, for the figures and words "15 per cent.", the figures and words "11.25 per cent." shall be substituted.

(2) The cable operator shall fulfil such eligibility criteria and conditions as may be prescribed and different eligibility criteria may be prescribed for different categories of cable operators.

(3) On and from the date of issue of notification under section 4A, no new registration in a State, city, town or area notified under that section shall be granted to any cable operator who does not undertake to transmit or re-transmit channels in an encrypted form through a digital addressable system.

(4) An application under sub-section (1) shall be made in such form and be accompanied by such documents and fees as may be prescribed.

(5) On receipt of the application, the registering authority shall satisfy itself that the applicant has furnished all the required information prescribed under sub-section (4) and on being so satisfied, register the applicant as a cable operator and grant him a certificate of registration or renew its registration, as the case may be, subject to such terms and conditions as may be prescribed under sub-section (6):

Provided that the registering authority may, if it is satisfied that the applicant does not fulfil the eligibility criteria and conditions prescribed under sub-section (2) or the application is not accompanied by necessary documents or fees as prescribed under sub-section (4), and for reasons to be recorded in writing, by order, refuse to grant its registration or renewal, as the case may be, and communicate the same to the applicant:

Provided further that the applicant may prefer an appeal against the order of the registering authority refusing grant or renewal of registration to the Central Government.

(6) Without prejudice to the compliance of eligibility criteria for registration of cable operators, the Central Government may prescribe, having regard to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, foreign relation or contempt of court, defamation or incitement to an offence, such terms and conditions of registration including additional criteria or conditions to be fulfilled by the cable operator.

(7) The Central Government may suspend or revoke the registration granted under sub-section (5) if the cable operator violates one or more of the terms and conditions of such registration:

Provided that no such order of suspension or revocation shall be made without giving a reasonable opportunity of being heard to the cable operator."

5. For section 4A of the principal Act, the following sections shall be substituted, namely:—

Substitution
of new
sections for
section 4A.

'4A. (1) Where the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, make it obligatory for every cable operator to transmit or re-transmit programmes of any channel in an encrypted form through a digital addressable system with effect from such date as may be specified in the notification and different dates may be specified for different States, cities, towns or areas, as the case may be:

Transmission
of
programmes
through
digital
addressable
systems, etc.

Provided that the date specified in the notification shall not be earlier than six months from the date of issue of such notification to enable the cable operators in different States, cities, towns or areas to install the equipment required for the purposes of this sub-section.

(2) The Central Government may prescribe appropriate measures and take such steps as it may consider necessary for implementation of the notification issued under sub-section (1).

(3) If the Central Government is satisfied that it is necessary in the public interest so to do, and if not otherwise specified by the Authority, it may direct the Authority to specify, by notification in the Official Gazette, one or more free-to-air channels to be included in the package of channels forming basic service tier and any one or more such channels may be specified, in the notification, *genre-wise* for providing a programme mix of entertainment, information, education and such other programmes and fix the tariff for basic service tier which shall be offered by the cable operators to the consumers and the consumer shall have the option to subscribe to any such tier:

Provided that the cable operator shall also offer the channels in the basic service tier on a *la carte* basis to the subscriber at a tariff specified under this sub-section.

(4) The Central Government or the Authority may specify in the notification referred to in sub-section (3), the number of free-to-air channels to be included in the package of channels forming basic service tier for the purposes of that sub-section and different numbers may be specified for different States, cities, towns or areas, as the case may be.

(5) It shall be obligatory for every cable operator to publicise the prescribed information including but not limited to subscription rates, standards of quality of service and mechanism for redressal of subscribers' grievances in such manner and at such periodic intervals as may be specified by the Central Government or the Authority for the benefit of the subscriber.

(6) The cable operator shall not require any subscriber to have a receiver set of a particular type to receive signals of cable television network:

Provided that the subscriber shall use a digital addressable system to be attached to his receiver set for receiving programmes transmitted on any channel.

(7) Every cable operator shall provide such information relating to its cable services and networks in such format and at such periodic intervals to the Central Government or the State Governments or the Authority or their authorised representatives, as may be specified by them from time to time.

(8) All actions taken by the Central Government or the Authority in pursuance of the provisions of this section as they stood immediately before the 25th day of October, 2011 shall continue to remain in force till such actions are modified as per the provisions of this Act.

Explanation.—For the purposes of this section,—

(a) "addressable system" means an electronic device (which includes hardware and its associated software) or more than one electronic device put in an integrated system through which signals of cable television network can be sent in encrypted form, which can be decoded by the device or devices, having an activated Conditional Access System at the premises of the subscriber within the limits of authorisation made, through the Conditional Access System and the subscriber management system, on the explicit choice and request of such subscriber, by the cable operator to the subscriber;

(b) "basic service tier" means a package of free-to-air channels to be offered by a cable operator to a subscriber with an option to subscribe, for a single price to subscribers of the area in which his cable television network is providing service;

(c) "encrypted", in respect of a signal of cable television network, means the changing of such signal in a systematic way so that the signal would be unintelligible without use of an addressable system and the expression "unencrypted" shall be construed accordingly;

(d) "free-to-air channel", in respect of a cable television network, means a channel for which no subscription fee is to be paid by the cable operator to the broadcaster for its re-transmission on cable;

(e) "pay channel", in respect of a cable television network, means a channel for which subscription fees is to be paid to the broadcaster by the cable operator and due authorisation needs to be taken from the broadcaster for its re-transmission on cable;

(f) "subscriber management system" means a system or device which stores the subscriber records and details with respect to name, address and other information regarding the hardware being utilised by the subscriber, channels or bouquets of channels subscribed to by the subscriber, price of such channels or bouquets of channels as defined in the system, the activation or deactivation dates and time for any channel or bouquets of channels, a log of all actions performed on a subscriber's record, invoices raised on each subscriber and the amounts paid or discount allowed to the subscriber for each billing period.

4B. (1) Subject to the provisions of this Act, any cable operator entitled for providing cable services may, from time to time, lay and establish cables and erect posts under, over, along, across, in or upon any immovable property vested in or under the control or management of a public authority.

Right of way for cable operators and permission by public authority.

(2) Any public authority under whose control or management any immovable property is vested may, on receipt of a request from a cable operator permit the cable operator to do all or any of the following acts, namely:--

(a) to place and maintain underground cables or posts; and

(b) to enter on the property, from time to time, in order to place, examine, repair, alter or remove such cables or posts.

(3) The facility of right of way under this section for laying underground cables, and erecting posts, shall be available to all cable operators subject to the obligation of reinstatement or restoration of the property or payment of reinstatement or restoration charges in respect thereof at the option of the public authority.

(4) When a public authority in public interest considers it necessary and expedient that the underground cable or post placed by any cable operator under the provisions of this section should be removed or shifted or its position altered, it may require the cable operator to remove it or shift it or alter its position, as the case may be, at its own cost in the time frame indicated by the public authority.

(5) The Central Government may lay down appropriate guidelines to enable the State Governments to put in place an appropriate mechanism for speedy clearance of requests from cable operators for laying cables or erecting posts on any property vested in, or under the control or management of, any public authority and for settlement of disputes, including refusal of permission by the public authority.

(6) Any permission granted by a public authority under this section may be given subject to such reasonable conditions as that public authority thinks fit to impose as to the payment of any expenses, or time or mode of execution of any work, or as to any other matter connected with or related to any work undertaken by the cable operator in exercise of those rights.

(7) Nothing in this section shall confer any right upon any cable operator other than that of user for the purpose only of laying underground cable or erecting posts or maintaining them.'

Substitution of new section for section 8.

6. For section 8 of the principal Act, the following section shall be substituted, namely:—

Compulsory transmission of certain channels.

"8. (1) The Central Government may, by notification in the Official Gazette, specify the names of Doordarshan channels or the channels operated by or on behalf of Parliament, to be mandatorily carried by the cable operators in their cable service and the manner of reception and re-transmission of such channels:

Provided that in areas where digital addressable system has not been introduced in accordance with the provisions of sub-section (1) of section 4A, the notification as regards the prime band is concerned shall be limited to the carriage of two Doordarshan terrestrial channels and one regional language channel of the State in which the network of the cable operator is located.

(2) The channels referred to in sub-section (1) shall be re-transmitted without any deletion or alteration of any programme transmitted on such channels.

(3) Notwithstanding the provisions of sub-section (1), any notification issued by the Central Government or the Prasar Bharti (Broadcasting Corporation of India) in pursuance of the provisions of sub-section (1), prior to the 25th day of October, 2011 shall continue to remain in force till such notifications are rescinded or amended, as the case may be."

Amendment of section 9.

7. In section 9 of the principal Act,—

(a) for the word "equipment", at both the places where it occurs, the words "equipment or digital addressable system" shall be substituted;

(b) the proviso shall be omitted.

Amendment of section 10.

8. In section 10 of the principal Act, after the words "authorised telecommunication systems", the words "and is in conformity with such standards relating to interference as may be prescribed by the Central Government" shall be inserted.

Insertion of new section 10A.

9. After section 10 of the principal Act, the following section shall be inserted, namely:—

Inspection of cable network and services.

"10A. (1) Without prejudice to the provisions contained in the Indian Telegraph Act, 1885 or any other law for the time being in force, the Central Government or its officers authorised by it or authorised agency shall have the right to inspect the cable network and services.

13 of 1885.

(2) No prior permission or intimation shall be required to exercise the right of the Central Government or its authorised representatives to carry out such inspection.

(3) The inspection shall ordinarily be carried out after giving reasonable notice except in circumstances where giving of such a notice shall defeat the purpose of the inspection.

(4) On being so directed by the Central Government or its authorised officers or agency so authorised by it, the cable operator shall provide the necessary equipment, services and facilities at designated place or places for lawful interception or continuous monitoring of the cable service at its own cost by or under the supervision of the Central Government or its officers or agency so authorised by it."

10. For section 11 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 11.

"11. If any authorised officer has reason to believe that the provisions of section 3, section 4A, section 5, section 6, section 8, section 9 or section 10 have been or are being contravened by any cable operator, he may seize the equipment being used by such cable operator for operating the cable television network:

Power to seize equipment used for operating cable television network.

Provided that the seizure of equipment in case of contravention of sections 5 and 6 shall be limited to the programming service provided on the channel generated at the level of the cable operator."

68 of 1986. 11. In section 21 of the principal Act, for the words and figures "and the Consumer Protection Act, 1986", the following shall be substituted, namely:—

Amendment of section 21.

68 of 1986. "the Consumer Protection Act, 1986 and the Telecom Regulatory Authority of
24 of 1997. India Act, 1997".

12. In section 22 of the principal Act, in sub-section (2),—

Amendment of section 22.

(i) for clause (a), the following clause shall be substituted, namely:—

"(a) the eligibility criteria for different categories of cable operators under sub-section (2) of section 4;"

(ii) for clause (aa), the following clause shall be substituted, namely:—

"(aa) the form of application, documents to be accompanied and the fees payable under sub-section (4) of section 4;"

(iii) for clause (aaa), the following clause shall be substituted, namely:—

"(aaa) the terms and conditions of registration under sub-section (6) of section 4;"

(iv) after clause (aaa), the following clause shall be inserted, namely:—

"(aaaa) the appropriate measures under sub-section (2) of section 4A for implementation of the notification under sub-section (1) of that section;"

(v) after clause (d), the following clause shall be inserted, namely:—

"(da) the specifications of interference standards for interfering with any telecommunication system under section 10;"

Ord. 3 of 2011. 13. (1) The Cable Television Networks (Regulation) Amendment Ordinance, 2011 is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

Sd/-

V. K. Bhasin

Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

C. J. Gothi

Secretary to Government.



सत्यमेव जयते

REGISTERED No.L2/RNP/ G/GNR-84
વાર્ષિક લવાજમનો દર રૂ. ૩૦૦૦/-

The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. LIII]

THURSDAY, MARCH 15, 2012/PHALGUNA 25, 1933

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT APPROPRIATION (EXCESS EXPENDITURE) BILL, 2012.

GUJARAT BILL NO. 11 OF 2012.

A BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1997.

It is hereby enacted in the Sixty-third Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Appropriation Short title. (Excess Expenditure) Act, 2012.
2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding Issue of ₹ 5,34,27,32,896 from and out of

those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of five hundred thirty-four crores, twenty-seven lakhs, thirty-two thousand, eight hundred ninety-six rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 1997, in respect of the services and purposes specified in column 2 of the Schedule:

the
Consolidated
Fund of the
State of Gujarat
for the financial
year 1996-97.

- Appropriation. 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ending on the thirty-first day of March, 1997.

SCHEDULE

(See sections 2 and 3)

No. of Excess Demand/ Approp- riation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
			₹	₹	₹
4	Animal Husbandary and Dairy Development	Revenue	1,24,43,850		1,24,43,850
5	Co-operation	Revenue	5,42,03,600		5,42,03,600
6	Other expenditure pertaining to Agriculture, Co-operation and Rural Development Department	Capital	1,82,770		1,82,770
8	Education	Revenue	19,62,40,297		19,62,40,297
10	Energy and Petro-Chemicals Department	Revenue	1,70,893		1,70,893
14	Finance Department	Revenue	6,77,953		6,77,953
17	Pensions and Other Retirement Benefits	Revenue	15,44,18,827		15,44,18,827
19	Repayment of Debt pertaining to Finance Department and its Servicing	Revenue		26,53,48,604	26,53,48,604
23	Other expenditure pertaining to Food and Civil Supplies Department	Capital	1,10,828		1,10,828
25	Forests	Revenue	4,24,41,746		4,24,41,746
29	Council of Ministers	Revenue	10,42,311		10,42,311
38	Medical and Public Health	Revenue	6,86,73,168		6,86,73,168
42	Home Department	Revenue	15,34,276		15,34,276
43	Police	Revenue	18,45,64,117		18,45,64,117
44	Jails	Revenue	13,47,180		13,47,180
46	Other expenditure pertaining to Home Department	Revenue	58,11,401		58,11,401
48	Stationery and Printing	Revenue	5,00,989		5,00,989

No. of Excess Demand/ Approp- riation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
			₹	₹	₹
55	Other expenditure pertaining to Information, Broadcasting and Tourism Department	Revenue	1,895		1,895
56	Labour and Employment Department	Revenue	27,192		27,192
59	Legal Department	Revenue	4,04,371		4,04,371
60	Administration of Justice	Revenue	28,22,184		28,22,184
64	Narmada and Water Resources Department	Revenue	5,06,882		5,06,882
66	Irrigation and Soil Conservation	Revenue	3,53,52,70,074		3,53,52,70,074
68	Panchayats and Rural Housing Department	Revenue	9,19,656		9,19,656
72	Other expenditure pertaining to Panchayats and Rural Housing Department	Capital	2,400		2,400
74	Other expenditure pertaining to Ports and Fisheries Department	Revenue	1,17,489		1,17,489
79	Dangs District	Revenue	53,12,930		53,12,930
81	Other expenditure pertaining to Revenue Department	Revenue	6,43,656		6,43,656
		Capital	9,23,245		9,23,245
83	Non-Residential Buildings	Revenue	13,20,31,217		13,20,31,217
84	Residential Buildings	Revenue	8,52,72,193		8,52,72,193
85	Roads and Bridges	Revenue	49,85,94,772		49,85,94,772
		Capital	4,52,22,118		4,52,22,118
86	Gujarat Capital Construction Scheme	Revenue	51,09,123		51,09,123
87	Other expenditure pertaining to Roads and Buildings Department	Revenue	63,25,241	1,55,106	64,80,347
89	State Excise	Revenue	16,58,301		16,58,301
90	Social Security and Welfare	Revenue	77,82,600	2,00,000	79,82,600

(c) "encrypted", in respect of a signal of cable television network, means the changing of such signal in a systematic way so that the signal would be unintelligible without use of an addressable system and the expression "unencrypted" shall be construed accordingly;

(d) "free-to-air channel", in respect of a cable television network, means a channel for which no subscription fee is to be paid by the cable operator to the broadcaster for its re-transmission on cable;

(e) "pay channel", in respect of a cable television network, means a channel for which subscription fees is to be paid to the broadcaster by the cable operator and due authorisation needs to be taken from the broadcaster for its re-transmission on cable;

(f) "subscriber management system" means a system or device which stores the subscriber records and details with respect to name, address and other information regarding the hardware being utilised by the subscriber, channels or bouquets of channels subscribed to by the subscriber, price of such channels or bouquets of channels as defined in the system, the activation or deactivation dates and time for any channel or bouquets of channels, a log of all actions performed on a subscriber's record, invoices raised on each subscriber and the amounts paid or discount allowed to the subscriber for each billing period.

4B. (1) Subject to the provisions of this Act, any cable operator entitled for providing cable services may, from time to time, lay and establish cables and erect posts under, over, along, across, in or upon any immovable property vested in or under the control or management of a public authority.

Right of way
for cable
operators and
permission by
public
authority.

(2) Any public authority under whose control or management any immovable property is vested may, on receipt of a request from a cable operator permit the cable operator to do all or any of the following acts, namely:—

(a) to place and maintain underground cables or posts; and

(b) to enter on the property, from time to time, in order to place, examine, repair, alter or remove such cables or posts.

(3) The facility of right of way under this section for laying underground cables, and erecting posts, shall be available to all cable operators subject to the obligation of reinstatement or restoration of the property or payment of reinstatement or restoration charges in respect thereof at the option of the public authority.

(4) When a public authority in public interest considers it necessary and expedient that the underground cable or post placed by any cable operator under the provisions of this section should be removed or shifted or its position altered, it may require the cable operator to remove it or shift it or alter its position, as the case may be, at its own cost in the time frame indicated by the public authority.

(5) The Central Government may lay down appropriate guidelines to enable the State Governments to put in place an appropriate mechanism for speedy clearance of requests from cable operators for laying cables or erecting posts on any property vested in, or under the control or management of, any public authority and for settlement of disputes, including refusal of permission by the public authority.

(6) Any permission granted by a public authority under this section may be given subject to such reasonable conditions as that public authority thinks fit to impose as to the payment of any expenses, or time or mode of execution of any work, or as to any other matter connected with or related to any work undertaken by the cable operator in exercise of those rights.

(7) Nothing in this section shall confer any right upon any cable operator other than that of user for the purpose only of laying underground cable or erecting poles or maintaining them.

Substitution of
new section
for section 8

6. For section 8 of the principal Act, the following section shall be substituted, namely:—

Compulsory
transmission
of certain
channels

"8. (1) The Central Government may, by notification in the Official Gazette, specify the names of Doordarshan channels or the channels operated by or on behalf of Parliament, to be mandatorily carried by the cable operators in their cable service and the manner of reception and re-transmission of such channels:

Provided that in areas where digital addressable system has not been introduced in accordance with the provisions of sub-section (1) of section 4A, the notification as regards the prime band is concerned shall be limited to the carriage of two Doordarshan terrestrial channels and one regional language channel of the State in which the network of the cable operator is located.

(2) The channels referred to in sub-section (1) shall be re-transmitted without any deletion or alteration of any programme transmitted on such channels.

(3) Notwithstanding the provisions of sub-section (1), any notification issued by the Central Government or the Prasar Bharti (Broadcasting Corporation of India) in pursuance of the provisions of sub-section (1), prior to the 25th day of October, 2011 shall continue to remain in force till such notifications are rescinded or amended, as the case may be."

Amendment
of section 9

7. In section 9 of the principal Act,—

(a) for the word "equipment", at both the places where it occurs, the words "equipment or digital addressable system" shall be substituted;

(b) the proviso shall be omitted.

Amendment
of section 10

8. In section 10 of the principal Act, after the words "authorised telecommunication systems", the words "and is in conformity with such standards relating to interference as may be prescribed by the Central Government" shall be inserted.

Insertion of
new section
10A.

9. After section 10 of the principal Act, the following section shall be inserted, namely:—

Inspection of
cable network
and services

"10A. (1) Without prejudice to the provisions contained in the Indian Telegraph Act, 1885 or any other law for the time being in force, the Central Government or its officers authorised by it or authorised agency shall have the right to inspect the cable network and services.

(2) No prior permission or intimation shall be required to exercise the right of the Central Government or its authorised representatives to carry out such inspection.

(3) The inspection shall ordinarily be carried out after giving reasonable notice except in circumstances where giving of such a notice shall defeat the purpose of the inspection.

(4) On being so directed by the Central Government or its authorised officers or agency so authorised by it, the cable operator shall provide the necessary equipment, services and facilities at designated place or places for lawful interception or continuous monitoring of the cable service at its own cost by or under the supervision of the Central Government or its officers or agency so authorised by it."

10. For section 11 of the principal Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 11

"11. If any authorised officer has reason to believe that the provisions of section 3, section 4A, section 5, section 6, section 8, section 9 or section 10 have been or are being contravened by any cable operator, he may seize the equipment being used by such cable operator for operating the cable television network:

Power to
seize
equipment
used for
operating
cable
television
network.

Provided that the seizure of equipment in case of contravention of sections 5 and 6 shall be limited to the programming service provided on the channel generated at the level of the cable operator."

11. In section 21 of the principal Act, for the words and figures "and the Consumer Protection Act, 1986", the following shall be substituted, namely:—

Amendment
of section 21.

"the Consumer Protection Act, 1986 and the Telecom Regulatory Authority of India Act, 1997".

12. In section 22 of the principal Act, in sub-section (2),—

Amendment
of section 22.

(i) for clause (a), the following clause shall be substituted, namely:—

"(a) the eligibility criteria for different categories of cable operators under sub-section (2) of section 4;";

(ii) for clause (aa), the following clause shall be substituted, namely:—

"(aa) the form of application, documents to be accompanied and the fees payable under sub-section (4) of section 4;";

(iii) for clause (aaa), the following clause shall be substituted, namely:—

"(aaa) the terms and conditions of registration under sub-section (6) of section 4;";

(iv) after clause (aaa), the following clause shall be inserted, namely:—

"(aaaa) the appropriate measures under sub-section (2) of section 4A for implementation of the notification under sub-section (1) of that section;";

(v) after clause (d), the following clause shall be inserted, namely:—

"(da) the specifications of interference standards for interfering with any telecommunication system under section 10;".

13. (1) The Cable Television Networks (Regulation) Amendment Ordinance, 2011 is hereby repealed.

Repeal and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

Sd/-

V. K. Bhasin

Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

C. J. Gothi

Secretary to Government.

Government Central Press, Gandhinagar

68 of 1986.

68 of 1986.
24 of 1997.

Ord. 3 of 2011.



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PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT APPROPRIATION (EXCESS EXPENDITURE) (SECOND) BILL, 2012.

GUJARAT BILL NO. 12 OF 2012.

A BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1998.

It is hereby enacted in the Sixty-third Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Appropriation (Excess Expenditure) (Second) Act, 2012. Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of seven hundred thirty-three crores, ninety lakhs, forty-four thousand, six hundred twenty-nine rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 1998, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of
₹ 7,33,90,44,629
from and out
of the
Consolidated
Fund of the
State of
Gujarat for the
financial year
1997-98.

Appropriation. 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ending on the thirty-first day of March, 1998.

SCHEDULE

(See sections 2 and 3)

No. of Excess Demand/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
			₹	₹	₹
4	Animal Husbandary and Dairy Development	Revenue	60,66,951		60,66,951
5	Co-operation	Revenue	24,85,793		24,85,793
7	Education Department	Revenue	11,53,186		11,53,186
8	Education	Revenue	85,05,12,453		85,05,12,453
9	Other expenditure pertaining to Education Department	Capital	19,14,704		19,14,704
10	Energy and Petro Chemicals Department	Revenue	6,66,843		6,66,843
15	Tax Collection Charges (Finance Department)	Revenue	1,27,36,444		1,27,36,444
17	Pensions and Other Retirement Benefits	Revenue	52,52,71,200		52,52,71,200
22	Food	Revenue	12,94,236		12,94,236
23	Other expenditure pertaining to Food and Civil Supplies Department	Capital	69,700		69,700
24	Forest and Environment Department	Revenue	9,85,883		9,85,883
25	Forests	Revenue	3,17,24,436		3,17,24,436
28	Governor	Revenue		48,640	48,640
29	Council of Ministers	Revenue	7,31,965		7,31,965
34	Other expenditure pertaining to General Administration Department	Revenue	8,55,643		8,55,643
37	Health and Family Welfare Department	Revenue	3,82,675		3,82,675
40	Water Supply	Revenue	11,444		11,444
47	Industries and Mines Department	Revenue	4,61,492		4,61,492

No. of Excess Demand/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
			₹	₹	₹
52	Information, Broadcasting and Tourism Department	Revenue	1,74,941		1,74,941
55	Other expenditure pertaining to Information, Broadcasting and Tourism Department	Revenue	3,07,917		3,07,917
59	Legal Department	Revenue	23,37,588		23,37,588
60	Administration of Justice	Revenue	2,35,71,024		2,35,71,024
64	Narmada and Water Resources Department	Revenue	33,48,432		33,48,432
66	Irrigation and Soil Conservation	Revenue	3,91,93,08,611		3,91,93,08,611
		Capital	3,59,93,332		3,59,93,332
68	Panchayats and Rural Housing Department	Revenue	20,42,065		20,42,065
69	Community Development	Revenue		27	27
72	Other expenditure pertaining to Panchayats and Rural Housing Department	Revenue	90,33,704		90,33,704
76	Tax Collection Charges (Revenue Department)	Revenue	1,74,05,038		1,74,05,038
82	Roads and Buildings Department	Revenue	28,29,131		28,29,131
83	Non-Residential Buildings	Revenue	25,60,06,937		25,60,06,937
84	Residential Buildings	Revenue	3,04,71,376		3,04,71,376
85	Roads and Bridges	Revenue	1,32,66,47,935		1,32,66,47,935
		Capital	23,88,48,724		23,88,48,724
86	Gujarat Capital Construction Scheme	Capital	1,04,40,245		1,04,40,245
87	Other expenditure pertaining to Roads and Building Department	Revenue	1,81,71,370		1,81,71,370

No. of Excess Demand/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
			₹	₹	₹
88	Social Welfare and Tribal Development Department	Revenue	5,91,952		5,91,952
91	Welfare of Scheduled Tribes	Revenue	25,85,145		25,85,145
		Capital	14,73,128		14,73,128
98	Compensations, Assignments and Tax Collection Charges.	Revenue	21,769		21,769
102	Other expenditure pertaining to Youth Services and Cultural Activities Department	Capital	60,550		60,550
	Total :	Revenue	7,05,01,95,579	48,667	7,05,02,44,246
		Capital	28,88,00,383		28,88,00,383
	Grand Total :		7,33,89,95,962	48,667	7,33,90,44,629

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 205 of the Constitution of India read with article 204 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the excess expenditure incurred on certain services and purposes during the financial year ending on the thirty-first day of March, 1998.

The amounts are shown below:

₹

(a) Revenue Account	7,05,02,44,246
(b) Capital Account	28,88,00,383

Total : ₹ 7,33,90,44,629

Dated the 14th March, 2012.

VAJUBHAI VALA.

By Order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 15th March, 2012.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT APPROPRIATION (EXCESS EXPENDITURE) (THIRD) BILL, 2012.

GUJARAT BILL NO. 13 OF 2012.

A B I L L

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1999.

It is hereby enacted in the Sixty-third Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Appropriation (Excess Short title. Expenditure) (Third) Act, 2012.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of nine hundred eighty-one crores, twenty-six lakhs, sixty-five thousand, seven hundred seventy rupees towards defraying the several charges which have come in course of payment during the financial year ending on the thirty-first day of March, 1999, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of
₹ 9,81,26,65,770
from and out of
the Consolidated
Fund of the State
of Gujarat for
the financial
year 1998-99.

Appropriation. 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ending on the thirty-first day of March, 1999.

SCHEDULE

(See sections 2 and 3)

No. of Excess Demand/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
			₹	₹	₹
7	Education Department	Revenue	13,82,000		13,82,000
8	Education	Revenue	72,22,97,941		72,22,97,941
10	Energy and Petro-Chemicals Department	Revenue	14,645		14,645
12	Energy Projects	Capital	29,02,00,000		29,02,00,000
19	Repayment of Debt pertaining to Finance Department and its Servicing	Revenue		29,26,58,727	29,26,58,727
24	Forests and Environment Department	Revenue	2,74,966		2,74,966
25	Forests	Capital	1,09,17,921		1,09,17,921
35	State Legislature	Revenue		13,484	13,484
44	Transport	Revenue	5,68,96,894		5,68,96,894
47	Industries and Mines Department	Revenue	4,25,734		4,25,734
51	Other expenditure pertaining to Industries and Mines Department	Capital	6,36,298		6,36,298
55	Other expenditure pertaining to Information, Broadcasting and Tourism Department	Capital	2,22,626		2,22,626
66	Irrigation and Soil conservation	Revenue	7,15,46,10,801		7,15,46,10,801
		Capital	1,60,58,620		1,60,58,620
73	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	10,87,89,247		10,87,89,247
74	Fisheries	Capital	64,44,94,860		64,44,94,860
80	Dangs District	Revenue	44,69,340		44,69,340

No. of Excess Demand/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
			₹	₹	₹
82	Other expenditure pertaining to Revenue Department	Revenue	22,53,924		22,53,924
83	Roads and Buildings Department	Revenue	9,23,218		9,23,218
84	Non-Residential Buildings	Revenue	4,53,07,460	4,19,725	4,57,27,185
86	Roads and Bridges	Revenue	45,29,16,444		45,29,16,444
88	Other expenditure pertaining to Roads and Building Department	Revenue	64,80,895		64,80,895
	Total :	Revenue	8,55,70,43,509	29,30,91,936	8,85,01,35,445
		Capital	96,25,30,325	—	96,25,30,325
	Grand Total :		9,51,95,73,834	29,30,91,936	9,81,26,65,770

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 205 of the Constitution of India read with article 204 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the excess expenditure incurred on certain services and purposes during the financial year ending on the thirty-first day of March, 1999.

The amounts are shown below:

	₹
(a) Revenue Account	8,85,01,35,445
(b) Capital Account	96,25,30,325
Total : ₹	9,81,26,65,770

Dated the 14th March, 2012.

VAJUBHAI VALA.

By Order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 15th March, 2012.

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department



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PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT MEDICARE SERVICE PERSONS AND MEDICARE SERVICE INSTITUTIONS (PREVENTION OF VIOLENCE AND DAMAGE OR LOSS OF PROPERTY) BILL, 2012.

GUJARAT BILL NO. 14 OF 2012.

A BILL

to prohibit violence against medicare service persons and damage or loss of property in medicare service institutions and for the matters connected therewith and incidental thereto.

WHEREAS the acts of violence of causing injury or danger to life of medicare service persons and damage or loss of property of medicare service institutions have been on increase in the State causing unrest in medicare service persons and professionals resulting in hindrance of such services in the State;

AND WHEREAS it has become necessary to prohibit such violence against medicare service persons and prevention of damage or loss of property of medicare service institutions from such violent activities in the public interest;

It is hereby enacted in the Sixty-third Year of the Republic of India, as follows:-

Short title, extent and commencement. 1. (1) This Act may be called the Gujarat Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss of Property) Act, 2012.

(2) It extends to the whole of State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,-

- (a) "damage" means impairment of the usefulness or value of the property or causing harm to such property;
- (b) "hospital and medical records" means all such documents or records accumulated or maintained by hospital authority or any medical authority ranging from records of historic interest to any acknowledgments;
- (c) "medicare service institution" means all institutions providing medicare services to people under any recognise system of medicine which are under the control of the State Government, Central Government or local bodies, etc. including any private hospital having facilities for treatment of sick and used for their reception or stay; any private maternity home where women are usually received and accommodated for the purpose of confinement and ante-natal and post-natal care in connection with the child birth or anything connected therewith; and any private nursing home used or intended to be used for the reception and accommodation of persons suffering from any sickness, injury or infirmity whether of body or mind, and providing of treatment or nursing or both of them and includes a maternity home or convalescent home or mobile medicare unit;
- (d) "medicare service persons" in relation to a medicare service institution shall include,-
 - (i) Registered Medical Practitioners (including a person having provisional registration) working in a medicare service institution;
 - (ii) Nurses registered under the Gujarat Nurses, Midwives and Guj. 24 of 1968. Health Visitors Act, 1968;
 - (iii) Auxiliary Nurse and Mid-wife;
 - (iv) Trained Dai;

- (v) Medical student;
- (vi) Nursing student;
- (vii) para medical staff and other staff or employee directly or indirectly employed by a medicare service institution for providing required services;
- (e) "medical student" means a student who is undergoing training or studies in medical profession;
- (f) "mobile medical unit" means an ambulance or any vehicle equipped with medical equipment, used for providing medicare service;
- (g) "nursing student" means a student who is undergoing training or studies in nursing profession;
- (h) "offender" means any person who either by himself or as a member or as a leader of a group of persons or organisation commits or attempts to commit or abets or incites the commission of violence under this Act;
- (i) "para medical staff" means a person who assists the medicare service person in providing medicare service;
- (j) "property" means any property, movable or immovable including tangible or intangible (subject to the provisions of Information Technology Act, 2000), or hospital and medical records or medical equipment or medical machinery or any such property as owned by or in possession of, or under the control of any medicare personnel or medicare service institution;
- (k) "violence" means an act or activity causing harm or which may cause any harm, injury or endangering the life or intimidation, obstruction or hindrance to any medicare service person in discharge of duty in a medicare service institution or patient or causing damage or loss to the property in a medicare service institution.

21 of 2000.

3. No person shall indulge in any act of violence against medicare service person or damage or loss to property in a medicare service institution. **Prohibition of violence.**
4. Any offender who commits any act or attempts to commit or abets or incites the commission of any act of violence in contravention of section 3, shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both. **Penalty.**
5. Any offence committed under this Act shall be cognizable and non-bailable. **Cognizance of offence.**

- Liability to pay compensation for damage or loss caused to property.** 6. (1) In addition to the punishment specified in section 4, the offender shall also be liable to pay compensation, within such time limit as the Court may prescribe, in terms of penalty of twice the market price of such medical equipment damaged and loss caused to the property, as may be determined by the Court.
- (2) If the offender does not pay the compensation under sub-section (1), the said sum shall be recovered under the provisions of the Gujarat Land Revenue Code, 1879 Bom. V of 1879. as an arrear of land revenue.
- Power to make rules.** 7. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.
- (2) All rules made under this section shall be laid, for not less than thirty days, before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.
- (3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.
- Compounding of offences.** 8. (1) The Government or any person authorised by the Government by general or special order in this behalf, may either before or after the institution of the proceedings, compound an offence punishable by or under this Act.
- (2) Where an offence has been compounded, the offender, if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.
- Protection of action taken in good faith.** 9. No suit, prosecution or other legal proceeding shall lie against the Government or any person or officer authorised by the Government or the Head of a medicare service institution or his authorised representative for anything which is in good faith done or intended to be done under this Act.
- Act not in derogation of any other law.** 10. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

STATEMENT OF OBJECTS AND REASONS

The role of medical professionals is directly connected with the lives of the human being. Some times, unexpected complications arise during the treatment of the patients. In some cases, severe complications result in the death of the patient during the treatment. At such times, sometimes, the relatives or the guardians of the patient misunderstand the situation and commit the offence of assault on the medical person or indulge in destruction of property. Anti-social elements also take benefit of the situation and damage the property of the medicare service institutions. Recently, many occasions in the State has been reported of the violence and damage to the property of the medicare service institutions. The increase in incidents of violence has resulted in unrest among medical persons, disruption of medical services and inconvenience to the general public. Moreover, it has caused adverse impact on the morale of the medicare service persons. To deal with such situation there is no special law to prevent such incidents in the State.

It is felt that these violent incidents need to be curtailed and there should be a proper arrangement for the protection of lives of the medicare service persons and para medical staff and property. It is also felt necessary to effectively curb the occurrences of such incidents in the State and to protect and safeguard the medicare service persons and property of medicare service institutions. It is, therefore, considered expedient to enact a law providing for prohibition of such violence on medicare service persons and damage to the property of the medicare service institutions by making such offences cognizable and non bailable with stiff punishment.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, the important provisions of the Bill :-

- Clause 1.-** This clause provides for short title, extent and commencement.
- Clause 2.-** This clause defines certain terms used in the Act.
- Clause 3.-** This clause provides for prohibition of violence on medicare service persons and damage to the property of the medicare service institutions.
- Clause 4.-** This clause provides for penalty for breach of the provisions of the Act.
- Clause 5.-** This clause provides that any offence committed under this Act shall be cognizable and non-bailable.
- Clause 6.-** This clause provides for liability to pay compensation for damage or loss caused to property in addition to the punishment specified in clause 4.
- Clause 7.-** This clause provides for power of State Government to make rules.
- Clause 8.-** This clause provides for compounding of offences.
- Clause 9.-** This clause provides for protection of action taken in good faith.
- Clause 10.-** This clause provides that the provisions of this Act shall be in addition to and not in derogation of the provisions any other law.

JAY NARAYAN VYAS,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative powers in following respect:-

Clause 1.- Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 7.- This clause empowers the State Government by notification in the *Official Gazette*, to make rules for carrying out the purposes of the Act.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 15th March, 2012.

JAY NARAYAN VYAS.

By Order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 15th March, 2012.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT APPROPRIATION BILL, 2012. GUJARAT BILL NO. 15 OF 2012.

A BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2013.

It is hereby enacted in the Sixty-third Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2012. Short title.
2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of one lakh one thousand seven hundred eleven crores, seventy-two lakhs, ninety thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2012-2013 in respect of the services and purposes specified in column 2 of the Schedule. Withdrawal of ₹ 10,17,11,72,90,000 from and out of the Consolidated Fund of State of Gujarat for the financial year 2012-2013.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE

(See sections 2 and 3)

Demand No. Voted/ appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted ₹	Charged on the Consolidated Fund ₹	Total ₹
1	2		3		
1	Agriculture and Co-operation Department	Revenue	175911000		175911000
		Capital	12500000		12500000
2	Agriculture	Revenue	18544867000		18544867000
		Capital	145000000		145000000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	1540704000		1540704000
		Capital	1858500000		1858500000
4	Animal Husbandry and Dairy Development	Revenue	3828801000		3828801000
5	Co-operation	Revenue	1632768000		1632768000
		Capital	170201000		170201000
6	Fisheries	Revenue	533066000		533066000
		Capital	383760000		383760000
7	Other expenditure pertaining to Agriculture and Co-operation Department	Capital	5500000		5500000
8	Education Department	Revenue	82390000		82390000
9	Education	Revenue	128563214000	1857500000	130420714000
		Capital	6587750000		6587750000
10	Other expenditure pertaining to Education Department	Revenue	19121000		19121000
		Capital	415010000		415010000
11	Energy and Petrochemicals Department	Revenue	44770000		44770000
12	Tax Collection Charges (Energy and Petrochemicals Department)	Revenue	161362000		161362000
13	Energy Projects	Revenue	35177000000		35177000000
		Capital	12660001000		12660001000
14	Other expenditure pertaining to Energy and Petrochemicals Department	Revenue	5999000		5999000
		Capital	2001300000		2001300000

Demand No. Voted/ appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted ₹	Charged on the Consolidated Fund ₹	Total ₹
1	2		3		
15	Finance Department	Revenue	190795000		190795000
16	Tax Collection Charges (Finance Department)	Revenue	2103172000		2103172000
17	Treasury and Accounts Administration	Revenue	1186708000		1186708000
18	Pension and other Retirement Benefits.	Revenue	48961655000	4000000	48965655000
19	Other expenditure pertaining to Finance Department	Revenue	35862656000		35862656000
		Capital	11300000	100000	11400000
20	Repayment of Debt pertaining to Finance Department and its servicing	Revenue		119992289000	119992289000
		Capital		64519881000	64519881000
21	Food, Civil Supplies and Consumer Affairs Department	Revenue	244795000		244795000
22	Civil Supplies	Revenue	2446368000		2446368000
23	Food	Revenue	1523444000		1523444000
		Capital	114000000		114000000
24	Other expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	1100000		1100000
25	Forest and Environment Department	Revenue	92415000		92415000
26	Forest	Revenue	2942190000	1250000	2943440000
		Capital	2495886000		2495886000
27	Environment	Revenue	180000000		180000000
28	Other expenditure pertaining to Forests and Environment Department	Capital	5800000		5800000
29	Governor	Revenue		52753000	52753000
30	Council of Ministers	Revenue	33613000		33613000
31	Election	Revenue	1765596000		1765596000
32	Public Service Commission	Revenue	64615000	100500000	165115000

Demand No. Voted/ appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted ₹	Charged on the Consolidated Fund ₹	Total ₹
1	2		3		
33	General Administration Department	Revenue	913839000		913839000
34	Economic Advice and Statistics	Revenue	464356000		464356000
35	Other expenditure pertaining to General Administration Department	Revenue	172396000	9566000	181962000
		Capital	7717686000		7717686000
36	State Legislature	Revenue	221057000	2605000	223662000
37	Loans and Advances to Government servants in Gujarat Legislature Secretariat	Capital	3407000		3407000
38	Health and Family Welfare Department	Revenue	119291000		119291000
39	Medical and Public Health	Revenue	23206186000		23206186000
		Capital	10155328000		10155328000
40	Family Welfare	Revenue	5717633000		5717633000
		Capital	31300000		31300000
41	Other expenditure pertaining to Health and Family Welfare Department	Capital	10500000		10500000
42	Home Department	Revenue	138835000		138835000
43	Police	Revenue	27449802000		27449802000
44	Jails	Revenue	868655000		868655000
45	State Excise	Revenue	136076000		136076000
46	Other expenditure pertaining to Home Department	Revenue	748761000	5300000	754061000
		Capital	4917686000		4917686000
47	Industries and Mines Department	Revenue	107815000		107815000
48	Stationery and Printing	Revenue	555185000		555185000
		Capital	67000000		67000000
49	Industries	Revenue	10269946000	33000000	10302946000
		Capital	3505070000		3505070000
50	Mines and Minerals	Revenue	669245000		669245000
		Capital	11100000		11100000
51	Tourism	Revenue	188210000		188210000
		Capital	2405000000		2405000000

Demand No. Voted/ appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted ₹	Charged on the Consolidated Fund ₹	Total ₹
1	2		3		
52	Other expenditure pertaining to Industries and Mines Department	Revenue	432750000		432750000
		Capital	5478500000		5478500000
53	Information and Broadcasting Department	Revenue	23490000		23490000
54	Information and Publicity	Revenue	1041037000		1041037000
55	Other expenditure pertaining to Information and Broadcasting Department	Revenue	65875000		65875000
		Capital	2600000		2600000
56	Labour and Employment Department	Revenue	97965000		97965000
57	Labour and Employment	Revenue	4148793000		4148793000
58	Other expenditure pertaining to Labour and Employment Department	Capital	3200000		3200000
59	Legal Department	Revenue	130925000		130925000
60	Administration of Justice	Revenue	5649877000	646353000	6296230000
61	Other expenditure pertaining to Legal Department	Revenue	600033000		600033000
		Capital	17700000		17700000
62	Legislative and Parliamentary Affairs Department	Revenue	72856000		72856000
63	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	850000		850000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	221852000		221852000
65	Narmada Development Scheme	Capital	36000000000		36000000000
66	Irrigation and Soil Conservation	Revenue	9845223000		9845223000
		Capital	17001952000		17001952000
67	Water Supply	Revenue	779200000		779200000
		Capital	6759000000		6759000000

Demand No. Voted/ appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted ₹	Charged on the Consolidated Fund ₹	Total ₹
1	2		3		
68	Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Capital	11000000		11000000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	90809000		90809000
70	Community Development	Revenue	9767024000		9767024000
71	Rural Housing and Rural Development	Revenue	7238829000	1707500000	8946329000
72	Compensation and Assignments	Revenue	1119479000		1119479000
73	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	4753320000		4753320000
		Capital	78320000		78320000
74	Transport	Revenue	6288328000		6288328000
		Capital	5550000000		5550000000
75	Other expenditure pertaining to Ports and Transport Department	Revenue	553342000		553342000
		Capital	2560002000		2560002000
76	Revenue Department	Revenue	525109000		525109000
77	Tax Collection Charges (Revenue Department)	Revenue	3196923000		3196923000
78	District Administration	Revenue	3314041000		3314041000
79	Relief on account of Natural Calamities	Revenue	11377818000		11377818000
		Capital	1900000000		1900000000
80	Dangs District	Revenue	428929000		428929000
81	Compensation and Assignments	Revenue	456525000	800000	457325000
		Capital	1100000	200000	1300000
82	Other expenditure pertaining to Revenue Department	Revenue	18901000		18901000
		Capital	2650000		2650000
83	Road and Buildings Department	Revenue	138482000		138482000
84	Non-Residential Buildings	Revenue	4934695000	3910000	4938605000
		Capital	11150085000		11150085000

Demand No. Voted/ appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted ₹	Charged on the Consolidated Fund ₹	Total ₹
1	2		3		
85	Residential Buildings	Revenue	1506988000		1506988000
		Capital	913916000		913916000
86	Roads and Bridges	Revenue	25010378000		25010378000
		Capital	18130480000		18130480000
87	Gujarat Capital Construction Scheme	Revenue	135392000		135392000
		Capital	2216600000		2216600000
88	Other expenditure pertaining to Roads and Buildings Department	Revenue	156821000		156821000
		Capital	63800000		63800000
89	Science and Technology Department	Revenue	925862000		925862000
90	Other expenditure pertaining to Science and Technology Department	Revenue	1100500000		1100500000
		Capital	40018000		40018000
91	Social Justice and Empowerment Department	Revenue	54825000		54825000
92	Social Security and Welfare	Revenue	7847634000	15000000	7862634000
		Capital	134725000		134725000
93	Welfare of Scheduled Tribes	Revenue	1888940000		1888940000
		Capital	125714000		125714000
94	Other expenditure pertaining to Social Justice and Empowerment	Capital	2400000		2400000
95	Special Component Plan for Scheduled Castes	Revenue	20325261000		20325261000
		Capital	10760756000		10760756000
96	Tribal Area Sub-Plan	Revenue	41714150000		41714150000
		Capital	28916446000		28916446000
97	Sports, Youth and Cultural Activities Department	Revenue	61141000		61141000
98	Youth Services and Cultural Activities	Revenue	2274127000		2274127000
99	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	1171000		1171000
100	Urban Development and Urban Housing Department	Revenue	49825000		49825000

Demand No. Voted/ appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted ₹	Charged on the Consolidated Fund ₹	Total ₹
1	2		3		
101	Urban Housing	Revenue	1239000	1056250000	1057489000
102	Urban Development	Revenue	53998132000		53998132000
		Capital	10190000000		10190000000
103	Compensation, Assignment and Tax Collection Charges	Revenue	1182000000	300000000	1482000000
104	Other expenditure pertaining to Urban Development and Urban Housing Department	Revenue	3785000		3785000
		Capital	1106000		1106000
105	Women and Child Development Department	Revenue	52222000		52222000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	10850389000	5500000	10855889000
		Capital	5687325000		5687325000
107	Climate Change Department	Revenue	6708000		6708000
108	Other expenditure pertaining to Climate Change Department	Revenue	1095900000		1095900000
	TOTAL:	Revenue	607409932000	125794076000	733204008000
		Capital	219393101000	64520181000	283913282000
	GRAND TOTAL:		826803033000	190314257000	1017117290000

STATEMENT OF OBJECTS AND REASONS

Article 204(1) of the Constitution of India requires that as soon as may be after the grants have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State, of all moneys required to meet—

- (a) the grants so made by the Assembly, and
- (b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the Statement previously laid before the Legislative Assembly.

The Bill accordingly specifies the gross amount required to meet grants made by the Assembly and the expenditure charged on the Consolidated Fund of the State for the financial year ending on the 31st March, 2013.

The amounts are shown below : - ₹

(a)	Revenue Expenditure	7,33,20,40,08,000
(b)	Capital Expenditure	2,83,91,32,82,000

Total : ₹ 10,17,11,72,90,000

Dated the 27th March, 2012.

VAJUBHAI VALA.

By Order and in the name of the Governor of Gujarat,

Gandhinagar.
Dated the 27th March, 2012.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.